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C51P4

Apr 12/89 - May 10/89

URBAN/MUNICIPAL

AGENDAS/MINUTES OF THE
PLANNING AND DEVELOPMENT
COMMITTEE OF COUNCIL



CA4 ONHBLA05
C51P4

MS. C. DEITER
URBAN MUNICIPAL LIBRARIAN

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CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1989 April 6th

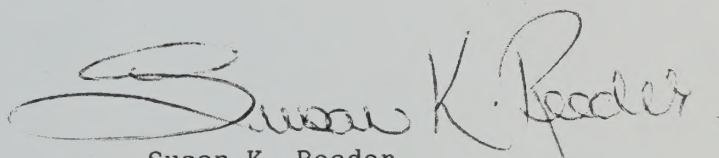
URBAN MUNICIPAL

APR 11 1989

GOVERNMENT DOCUMENTS

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1989 April 12th
1:30 o'clock p.m.
Room 233, City Hall


Susan K. Reeder
Secretary

SKR:dbm

PLEASE NOTE TIME CHANGE

ZONING APPLICATIONS WILL BE HEARD IN THE COUNCIL CHAMBERS

A G E N D A

1. Minutes of the meeting held Wednesday, 1989 February 22nd and Wednesday, 1989 March 29th. (copy to follow)

BUILDING COMMISSIONER

2. Demolition Permit Applications.
3. Authorization to Attend - 1989 Annual Conference of the Ontario Association of Committees of Adjustment.
4. Cash-in-lieu of Parking Policy - Relationship to Committee of Adjustment and Planning and Development Committee.
5. Cash-in-lieu of Parking Policy - 1322 King Street East.
(a) Correspondence - Alderman B. Hinkley.
6. 293 Tragina Avenue North.

DIRECTOR OF COMMUNITY DEVELOPMENT

7. Change Order - Downtown Hamilton Action Plan, Phase II.
8. B.I.A.'s - Commercial Improvement Programme, 1989 Submissions.
9. Transit Shelters in Downtown Core.

DIRECTOR OF PROPERTY

10. Release of Building Covenants - 151 York Boulevard.
11. Purchase by the City - 354 Birch Avenue.

CITY TREASURER

12. Final Release of Holdback.

CITY CLERK

13. Citizen Appointments - Business Land Use Advisory Board.

L.A.C.A.

14. Heritage Permit for Alterations to 252, 262, 268 James Street South.
(a) Report - Building Commissioner.
15. Heritage Permit - 111 St. Clair Avenue.

URBAN DESIGN COMMITTEE

16. Bench Advertising.

DIRECTOR OF LOCAL PLANNING

17. Proposed Draft Plan of Condominium "Forest James" - land on the east side of James Street North, in the area north of Ferrie Street East; North End East Neighbourhood.
18. Municipal Building Profile.
19. Commercial Strip Study.

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF THE HISTORY OF ARTS

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ZONING APPLICATIONS

COUNCIL CHAMBERS

3:00 o'clock p.m.

- 20. Zoning Application 89-06, for properties at 1120 and 1150 Stone Church Road East; Rymal Neighbourhood.
- 21. Zoning Application 89-02, for property at 1415 Upper Gage Avenue; Templemead Neighbourhood.
- 22. Zoning Application 88-127, for property at 18 Christie Street; Kennedy East Neighbourhood.

3:15 o'clock p.m.

- 23. Zoning Application 88-109, for property at 1200 Upper James Street; Kernighan Neighbourhood.
 - (a) Letter of Submission - The Ronalds Family, 831 West 5th Street.
- 24. Zoning Application 88-65, for property at 1033 Main Street West; Ainslie Wood East Neighbourhood. (copy to follow)
 - (a) Letter of Submission - H. McGee, 145 Arkell Street.
 - (b) " " " - D. Crockett, 1070 Main Street West.
 - (c) " " " - Dr. Finkelstein, 49 Dow Avenue.

3:30 o'clock p.m.

- 25. Zoning Application 88-134, for property at 1117-1119 Fennell Avenue East; Sherwood Neighbourhood.
 - (a) Letter of Submission - Sherwood Plaza.

3:45 o'clock p.m.

- 26. Zoning Application 88-46, for property at the south-west corner of Rymal Road East and Ryckman Street; Allison Neighbourhood.
- 27. Zoning Application 89-04, for property at 55 Queen Street North; Strathcona Neighbourhood.
- 28. Zoning Application 88-28, for property at 1002 West 5th Street; Gourley Neighbourhood.
- 29. Other Business.
- 30. Adjournment.

FOR ACTION

2.

REPORT TO: The Planning and Development Committee

FROM: P. Kuppe, Building Commissioner

DATE: April 5, 1989

COMM. FILE:

DEPT. FILE:

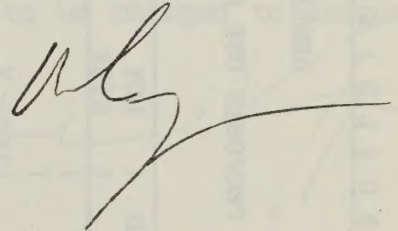
SUBJECT:

Demolition

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the following properties: -

- A. 987 Rymal Road East
- B. 688 Stone Church Road East
- C. 90 Dundurn Street South



FINANCIAL IMPLICATIONS: N/A

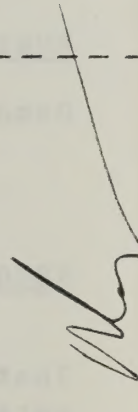
BACKGROUND:

For background information see attached sheets.

DEMOLITION CONTROL

DATE: April 5, 1989

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
	987 Rymal Road	S.F.D.	Commercial	100' X 313.00'	Elaine Taylor	"L-C"	It is recommended that Committee approve demolition. NOTE: Application has been made to change zoning from "L-C" to "HH".
	688 Stone Church Road East	S.F.D.	Commercial	283.00' X 499.90'	Rosart Properties	"G-I/S-1086"	It is recommended that Committee approve demolition.
	90 Dundurn South	S.F.D.	Commercial	54.00' X 50.00'	Sunoco Inc.	"K"	It is recommended that Committee approve demolition.


 P.C. Lampman, P. Eng.

P.C. Lampman, P. Eng.,
Manager/Plan Examination

FOR ACTION

3.

REPORT TO: PLANNING AND DEVELOPMENT COMMITTEE

MAR 30 1989

FROM: P. KUPPE, BUILDING COMMISSIONER

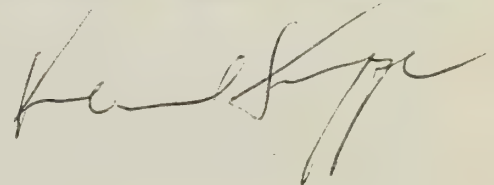
DATE: March 30, 1989
COMM. FILE:
DEPT. FILE: 89.2.4.2.1

SUBJECT:

1989 Annual Conference of the Ontario Association of Committees of Adjustment.

RECOMMENDATION:

That two members of the Committee of Adjustment be authorized to attend the 1989 Annual Conference of the Ontario Association of Committees of Adjustment and Consent Authorities to be held for three days in June in Peterborough, Ontario, at an expense not exceeding \$750.00 each, to be charged to account 0321-0291, Legislative Travelling.



FINANCIAL IMPLICATIONS:

BACKGROUND:

The above-noted conference is an educational conference of mutual benefit to all members across the Province. The Conference in 1987 was jointly hosted by the City of Hamilton and the Regional Municipality.

FOR INFORMATION

4.

MAR 31 1989

REPORT TO:

Mrs. Susan Reeder, Secretary
Planning and Development Committee

FROM:

Paul Kuppe, P. Eng.
Building Commissioner

DATE: March 29, 1989

COMM. FILE:

DEPT. FILE: 89.4.2.1.A

SUBJECT:

Cash-in-Lieu of Parking Policy - Relationship to Committee of
Adjustment and Planning and Development Committee

BACKGROUND:

Section 39 of the Planning Act provides the legislative framework enabling municipalities to establish a cash-in-lieu of parking policy. City Council on June 24, 1986 adopted the present cash-in-lieu of parking policy.

The purpose of the policy is to provide relief from the parking provisions of the Zoning By-Law where it can not be met by allowing cash payments to be made in lieu of parking. The policy is to be applied throughout the City except in residential zones, provided that Planning and Traffic objectives are not undermined.

Once payments are made, the proposal would then be deemed to conform to the parking requirements of the Zoning By-Law. The funds collected would be used by the City to provide parking, as outlined under Paragraph 55 of Section 208 of the Municipal Act.

Where a developer is unable to comply with the parking requirements of the Zoning By-Law, there are three avenues available to obtain relief, each one separate and independent from the other.

Continued on Page Two

1. A site specific amendment (Section 34 of the Planning Act) granted by Council on recommendation of the Planning and Development Committee.
2. A minor variance (Section 44 of the Planning Act) granted by the Committee of Adjustment.
3. An agreement for paying cash-in-lieu (Section 39 of the Planning Act).

The above three avenues are in fact separate and independent, however it is possible to comply with the Zoning By-Law by obtaining partial dispensation from the By-Law (through minor variance or site specific by-law) and paying cash-in-lieu for the remainder.

It should be noted that where an applicant is refused a variance from the Committee of Adjustment or a site specific by-law from the Planning and Development Committee (and Council), he may apply for an agreement for cash-in-lieu as an alternative. Council may wish to apply the cash-in-lieu policy where it can not support an amendment to the Zoning By-Law.

Also for your information, please find attached a letter dated April 1, 1987 from Paul Eker to the Committee of Adjustment which may provide further clarification.

Anyone wishing to apply under the cash-in-lieu of parking policy can submit an application to the Building Department who will then forward the application to the Cash-in-Lieu of Parking Committee. The Committee consists of representatives from the Traffic Department, the Hamilton Parking Authority, the Real Estate Department, the Local Planning Branch of the Hamilton-Wentworth Planning Department and the Building Commissioner who will act as Chairman.

Also attached for your information is a brief flow chart indicating the options available to the Zoning By-Law.

MEMORANDUM • CITY OF HAMILTON

TO : Mr. P. Fisher, Co-ordinator,
Committee of Adjustment,
Building Department

YOUR FILE:

FROM : P. M. Eker

OUR FILE : 1-60-0
40-5.0(34)

SUBJECT : Jurisdiction of Committee of
Adjustment - Cash-in-Lieu of
Parking Policy

DATE : 1987 April 1

Your correspondence, copies of which you have provided, suggests that the imposition of section 39 of The Planning Act, 1983 requirement, is not a valid term or condition that may be required by the Committee of Adjustment under section 44(9) of The Planning Act. The reasons for this conclusion, appear basically to be as follows:

1. As set out in your letter of April 22, 1986, there are three avenues available to obtain relief from parking requirements, each one separate and independent from the other:

- o site specific amendment (S.34)
- o minor variance (S.44)
- o agreement (S.39)

2. The requirement that section 39 be implemented through section 44 is redundant because,

- o S.39 provides a separate mechanism for relief.
- o An application under section 44 is not necessary to impose a condition where the parties can voluntarily agree to apply section 39, especially where the relief sought is not a minor variance. Even if it were a minor variance, section 39 is available.
- o The Committee of Adjustment is a Statutory Committee given the authority under section 44(8,9) of The Planning Act to
 - make independent decisions
 - determine of its own initiative, conditions.

This statutory power cannot be impeded or restricted by municipal policy developed under section 39.

...continued

3. The applicant for a variance is denied his legal right to a full and proper hearing of his application for a minor variance if the applicant is required to comply with section 39 policy. The application is, in fact, nullified.


A review of the correspondence has led me to the following view:

1. I agree with your views, as I understand them. City Council policy under section 39 cannot impose impediments or restrictions on the Committee of Adjustment decisions or conditions.

2. The decision-making authority of the Committee of Adjustment must be exercised strictly within the confines of section 44 of the Act and cannot be restricted by a "suggested ...policy whereas such applications are tabled until such time as the applicants have pursued the matter under Cash-in-lieu Parking Policy", (V. J. Abraham's letter dated March 19, 1987).

3. With respect to variances, the Committee of Adjustment has jurisdiction only in respect of minor variances:

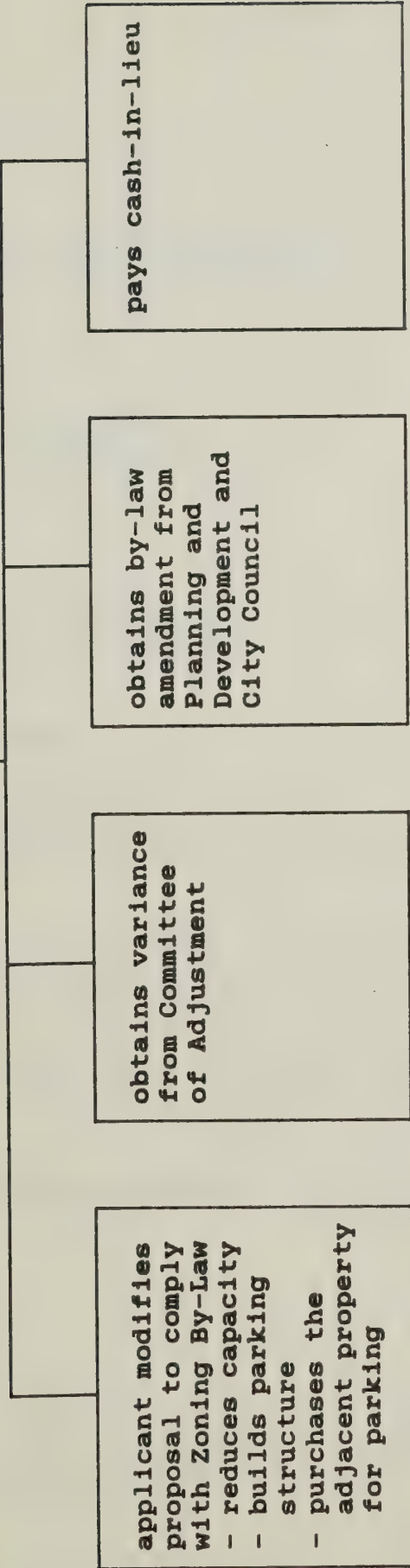
- (1) If the variance is other than minor, then no Cash-in-lieu of Parking Policy can be imposed as a condition, in any event.
- (2) If the variance is minor, then a cash-in-lieu of parking requirement under section 39 is not sanctioned under section 44 of The Planning Act, 1983, as a mandatory condition to be set out in a decision of the Committee of Adjustment, as is suggested by the "Cash-in-Lieu of Parking Policy", (page 3 "Administration", second paragraph), attached to Mr. V. J. Abraham's letter of March 19, 1987, addressed to Mr. F. Rocchi.



P. M. Eker,
for K. A. Rouff,
City Solicitor.

PME:js

PROPOSAL DOES NOT COMPLY WITH ZONING BY-LAW



FOR ACTION

5.

REPORT TO:

Mrs. Susan Reeder, Secretary
Planning and Development Committee

MAR 31 1989

FROM:

Paul Kuppe, P. Eng.
Building Commissioner
Building Department

DATE: March 30, 1989
COMM. FILE:
DEPT. FILE: 89.4.2.1.A

SUBJECT:

Cash-in-Lieu of Parking Policy for the property located at 1322
King Street East

RECOMMENDATION:

That in accordance with the cash-in-lieu of parking policy, Mr. George Cotroneo be required to pay to the City of Hamilton the sum of \$45,000.00 (which is based on 50% of the cost of providing 18 parking spaces at a total cost of \$90,000.00).

That the City Solicitor be directed to implement the cash-in-lieu of parking policy and it is further recommended that this matter not be forwarded to City Council until such time that the owner provides the Building Department with building plans showing the development in accordance with the Zoning By-Law and the Ontario Building Code and that a plot plan based on a survey be provided showing the 8 parking spaces located on the lot.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The property was used as a church (Delta Tabernacle). The property has been vacant for several years and the basement has been illegally converted to a lodging house in 1987. Orders to Comply were issued on the property.

Continued on Page Two

Mr. George Cotroneo made application for a building permit on March 16, 1989 under Tag Number 72782 to add a second floor within the existing building and to convert the property from a church to a general office.

Mr. Cotroneo made application to the Committee of Adjustment under Application A-89:65 for a variance to provide 6 parking spaces in lieu of the 54 required parking spaces. The application was denied on March 22, 1989 (subject to appeal period).

Mr. Cotroneo applied for permission for cash-in-lieu policy for 26 parking spaces and indicated that he has 8 spaces on the lot and wants to purchase 18 spaces. The plans submitted for building permit originally show 3 floors of offices which require 54 parking spaces. The plans were then modified to show that the basement remains as a church and hence the reduction of parking spaces. The basement was illegally converted to a lodging house and must be converted back to a church under a building permit.

The plans presently with the Building Department are not sufficient to show compliance with the Ontario Building Code and Zoning By-Law 6593.



CITY COUNCIL
HAMILTON, CANADA

Brian Hinkley
Alderman Ward 3

71 MAIN STREET WEST L8N 3T4 • (416) 526-2730 • RES. (416) 572-7500

MEMO TO: Planning & Development Committee Members

FROM: Brian Hinkley

DATE: April 3, 1989

SUBJECT: CASH-IN-LIEU OF PARKING
1322 KING STREET EAST

5a.

I will be unable to attend the Planning and Development Committee meeting of April 12th. An application with respect to the former Delta Tabernacle Church will be heard at this meeting.

This church has been standing vacant for too long and has presented several problems for the neighbourhood.

Because of several factors, I urge the Committee to approve this request.

/rd

cc: Mr. Victor Abraham
Director of Local Planning

cc: Mr. L. King
Deputy Building Commissioner

~~Mr. [REDACTED] [REDACTED] [REDACTED]~~
Planning & Development Committee

cc: Mr. G. Cotroneo
568 Ridge Road
Stoney Creek, Ontario L8G 3X4

FOR ACTION

6.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. P. Kuppe
Building Commissioner

DATE: 1989 April 6
COMM FILE:
DEPT FILE: P.S.

SUBJECT: 293 Tragina Avenue North, Hamilton

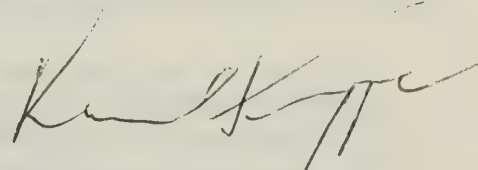
RECOMMENDATION:

That the City carry out the work as defined in the final and binding Order issued pursuant to the Property Standards By-Law.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

It is estimated that \$7,000 to \$10,00 would be required to be expended to bring the exterior of the building to a standard which meets the requirements of the Property Standards By-Law.

BACKGROUND:



Further to the report presented to the Planning and Development Committee meeting held on June 8th, 1988, and the request of the Secretary of the Planning and Development Committee for an update regarding the status of this property.

The Health Department has been very active in the enforcement of its by-laws referencing the above captioned property. It has been the subject of court proceedings in the Supreme Court and in the District Courts as well as in Provincial Offences Court. There presently exists a condemnation Order issued by the Health Department prohibiting the use of the building, because it is unfit for human habitation. This Order was issued pursuant to the requirements of the Health Department and there is a substantial amount of monies in the way of fines, levied against the owner outstanding. The last action was on Friday, January 20th, 1989 when a fine of \$1,000.00 was levied and the defendant was allowed 4 months time to pay because of unpaid fines of previous convictions.

This Department has been in close communication with the Health Department with regards to the building.

cont'd...

The garage to the rear of the property, was deemed by this department to be structurally unsound. Consequently an Order pursuant to The Planning Act was issued. Because of non-compliance with this Emergency Order, the garage was demolished by private contractors at the request of the Building Department to eliminate the unsafe condition and the cost of some \$3,580.00 was added to the tax roll.

During the court hearings instigated by the Health Department, a copy of a contract was filed in evidence by the defendant, that work was to be carried out by a company called A & D Enterprises. This contract being dated November 1st, 1988.

We would further advise that the Company that issued the contract is not licenced by the Regional Municipality of Hamilton-Wentworth and that the telephone number indicated on this contract is out of service. The company is unknown to the Building Department.

Much of the referenced work on this contract is the work required by our final and binding Order dated August 8th, 1988.

Further, recent inspections revealed that no work has been carried out and complaints are being received by the Building Department from the neighbours with regards to the existing condition of this property.

It is estimated that some \$7,000 to \$10,000 would be required to be expended to bring the **exterior** of this building to a standards which meets the requirements of the Property Standards By-Law and to satisfy the concerns of the neighbours.

We have checked with the Treasury Department and find that there is some \$10,263.29 owing in back taxes from 1988 and 1989. This of course includes the costs that are put onto the tax roll from work being carried out by our Department and the Public Works Department as directed by the Health Department.

We have been advised by the Real Estate Department that the present estimated value of this property is \$48,000. The estimated value of the property if rehabilitated would be \$58,000.00. The value as vacant land is \$39,000 and the cost of demolition and clearing of the property is \$3,000 to \$4,000.00.

We would advise that there is a risk involved in the recovery of monies. It is assumed that once the work is carried out in conformance with the Order, that the Health Department will remove its condemnation Orders and the owner will move back into the property.

For the information of the Committee, this owner has a history of collecting debris and garbage, and even after a property is cleaned up, continues to do so. The owner's previous property located at 218 Weir Street North was demolished by City forces because of the same conditions.

FOR ACTION

7.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1989 April 4
COMM FILE:
DEPT FILE: 800-0602.2

SUBJECT: Downtown Hamilton Action Plan, Phase II; Change Order

RECOMMENDATION:

That Change Order No. 18 to Delmar Contracting Limited in the amount of twenty-four thousand, seven hundred and fifty dollars (\$24,750.) be approved.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Funds are available in Phase II Account No. CF 5223428403002

BACKGROUND:

The original contract price for construction of Phase II of the Downtown Hamilton Action Plan was one million, sixty-one thousand, one hundred and two dollars (\$1,061,102.) as approved by City Council 1985 July 16 (P.O. #19070). Subsequent Change Orders reduced the total to one million, fifty-six thousand, seven hundred and seventy-three dollars and nineteen cents (\$1,056,773.19). Change Order No. 18 would bring the total up to one million, eighty-one thousand, five hundred and twenty-three dollars and nineteen cents (\$1,081,523.19). This increase is required for the costs associated with the delays encountered in the delivery of the H.S.R., luminaire and traffic poles. The Consultant, F. Basciano for Moorhead Fleming Corban and Partners, has advised that twenty-four thousand, seven hundred and fifty dollars (\$24,750.) would be an appropriate amount to cover the Contractor's extra costs.

c.c. Alderman Wm. McCulloch, Chairman
Downtown Hamilton Action Plan Co-ordinating Committee

F. Basciano
Basciano-O'Connor Landscape Architects Limited

E. C. Matthews, Treasurer
Att: B. Hill, Senior Accounting Clerk
Treasury Department

FOR ACTION

8.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1989 April 5

COMM FILE: 800-0014.2

DEPT FILE: 800-0014.5

800-0014.6

800-0014.7

800-0014.8

800-0014.10

800-0014.12

SUBJECT: Business Improvement Areas - Commercial Improvement
Programme, 1989 Submission.

RECOMMENDATION:

- a) That, the staff recommendation based on the Business Improvement Area, Commercial Improvement Programme submission (attached as Schedule 'A') be approved at an estimated gross cost of one hundred and sixty-nine thousand and six dollars (\$169,006); and,
- b) That the Department of Community Development be authorized to implement the recommendation in (a) above.

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

On 1987 January 29, City Council approved the Department of Community Development's Capital Budget submission of five hundred thousand dollars (\$500,000.) per year for the next five (5) years for a total of two and a half million dollars (\$2,500,000.) for the Commercial Improvement Programme.

In 1987 and 1988 City Council approved three hundred and ninety-eight thousand, one hundred and twenty five dollars (\$398,125.) and, five hundred and ninety-nine thousand, one hundred and seventy dollars (\$599,170.) respectively to date for a total of nine hundred and ninety-seven thousand, two hundred and ninety-five dollars (\$977,295.) in spent and allocated funds, as per Schedule 'B'.

BACKGROUND:

Submissions for the Commercial Improvement Programme funding have been received from six (6) out of the seven (7) Business Improvement Areas this year and reviewed by the Downtown Hamilton Action Plan Co-ordinating Committee. Schedule 'A' is based on this review. Locke Place and Main Street West are currently undergoing the Business Improvement Area designation process, bringing the Hamilton Business Improvement Area count to nine (9). This will place a greater demand on the Commercial Improvement Programme funding in the future.

Copies of this recommendation are being forwarded to the appropriate standing committees in order that they can review the possible impacts on departmental operating and maintenance budgets in subsequent years.

The Department of Community Development will be forwarding additional recommendations to the Planning and Development Committee regarding improvements to Main Street West once available.

COMMERCIAL IMPROVEMENT PROGRAMME

Objective

The Commercial Improvement Programme has been established to address the physical and economic needs of Business Improvement Areas, as they pertain to municipally owned lands (i.e., sidewalks, streets and associated infrastructure) located within legally defined Business Improvement Areas. Recommendations for the use of this programme were based primarily on a selection criteria (Commercial Improvement Programme and Selection Criteria available through the Secretary of the Planning and Development Committee).

Goals

As per attached Schedules 'A' and 'B', 1987, 1988 and 1989 Implementation Lists reflect the proposed schedule, costs and expected completion dates.

c.c. Alderman Wm. McCulloch, Chairman
Downtown Hamilton Action Plan Co-ordinating Committee

Mr. R. Prowse, Secretary
Transport & Environment Committee

Mr. R. Prowse, Secretary
Parks and Recreation Committee

Mr. J. Pavelka, Director
Public Works Department

Mr. M. Main, Director
Traffic Services

Mr. S. Spencer, Commissioner of Engineering
Att: S. Barley, Electrical & Instrumentation Technologist

COMMERCIAL IMPROVEMENT PROGRAMME BUSINESS1989IMPLEMENTATION

<u>B.I.A.</u>	<u>ITEM</u>	<u>COST</u>	<u>(TOTAL)</u>	<u>DATE</u>
Concession Street	93 Flower Pole Banners (double hung on existing poles) - 1988 extra	\$ 25,000.	(25,000)	1989
Downtown Promenade	Benches (Wrought Iron/Maple) (10)	6,200.		1989
	Gazebo	8,500.		1989
	Gazebo Maintenance *	1,030.		1989
	Gazebo Lighting (exterior)	3,200.		1989
	Gazebo Lighting (interior)	1,000.		1989
	Gazebo Lighting Maintenance * (1 year)	250.	(20,180)	1990
International Village	4 Clock Tower Banners	1,200.		1990
	Street Signs (18)	4,500.		1990
	Street Sign Contingency (9 signs purchased for future use)	1,800.	(7,500)	
Jamesville	Plaque and Stand for Time Capsule	2,025.		1989
	Benches (Wrought Iron) - 2	1,200.		1989
	Pedestrian Walkway to Mulberry Street	14,000.		1989
	Street Signs - 30, Public Parking Lot	7,500.		1990
	Street Sign Contingency (15 signs purchased for future use)	3,000.	(27,725)	
Ottawa Street	Benches (Concrete) - 8	4,000.		1989
	Trees (with grates) 18	12,600.		1989

			1990
Planters (6)	2,400.		1990
Planters Maintenance* (1 year)	1,200.		1990 1991
Street Signs (1988 estimates were insufficient)	5,800.	(26,000)	1990

Westdale Village	19 Banners	5,000.		1990
	Clock Tower	15,000.		1989
	Planters (6)	2,400.		1990
	Planters Maintenance*	<u>1,200.</u>	(23,600)	1990 1991

SUB-TOTAL	\$130,005.	(130,005)
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CONTINGENCY (20%)	26,001.
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ADMINISTRATION (10%)	13,000.
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TOTAL	\$169,006.
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* All maintenance costs after the first year, should be included in the appropriate departments current budgets. A copy of this report will be forwarded to all of the appropriate standing committees of Council.

COMMERCIAL IMPROVEMENT PROGRAMME BUSINESSIMPROVEMENT AREA COST BREAKDOWN

<u>Business Improvement Area</u>	<u>1987</u>	<u>1988</u>	<u>1989*</u>	<u>To Date</u>	<u>To Date With*</u>
Barton General	\$ -	\$207,500.	\$ -	\$207,500.	\$207,500.
Concession Street	55,600.	16,800.	25,000.	72,400.	97,400.
Downtown Promenade	-	58,900.	20,180.	58,900.	79,080.
International Village	23,600.	15,000.	7,500.	38,600.	46,100.
Jamesville	-	-	27,725.	-	27,725.
Ottawa Street	110,000.	72,700.	26,000.	182,700.	208,700.
Westdale Village	<u>117,050.</u>	<u>90,000.</u>	<u>23,600.</u>	<u>207,050.</u>	<u>230,650.</u>
SUB TOTAL	\$306,250.	\$460,900.	\$130,005.	\$767,150.	\$897,155.
CONTINGENCY (20%)	61,250.	92,180.	26,001.	153,430.	179,431.
ADMINISTRATION (10%)	<u>30,625.</u>	<u>46,090.</u>	<u>13,000.</u>	<u>76,715.</u>	<u>89,715.</u>
T O T A L	\$398,125.	\$599,170.	\$169,006.	\$997,295.	\$1,166,301.

* Subject to approval

FOR ACTION

9.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1989 April 5
COMM FILE:
DEPT FILE: 800-0602
800-0602.1

SUBJECT: Transit Shelters in the Downtown Core

RECOMMENDATION:

That, Phase I of the Recommended Phasing Proposal of the Hamilton Street Railway Transit Shelter Attitude Study be approved for implementation in 1989. (See attached Schedule 'A').

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

On 1989 February 09, representatives of Hamilton Street Railway, Gallop & Gallop Advertising Ltd. and S. M. Roscoe Inc., attended the Downtown Hamilton Action Plan Co-ordinating Committee (DHAPCOM) meeting to make a presentation regarding transit shelters in the downtown core. The issue was referred to the Urban Design Committee for their review and comment. Both Committees recommended approval of Phase I of the Recommended Phasing Proposal. The Urban Design Committee requests further study by Hamilton Street Railway of the public's attitudes prior to approval of additional shelters downtown. Mr. H. Schweinbenz, Commissioner of Transportation will be in attendance at the Planning and Development Committee meeting to further explain the proposal.

c.c. Alderman Wm. McCulloch, Chairman
Downtown Hamilton Action Co-ordinating Committee

Ms. V. Grupe, Secretary
Urban Design Committee

Mr. R. Prowse, Secretary
Bus Shelter Sub-Committee

Mr. V. Abraham, Director
Local Planning

Mr. H. Schweinbenz, Commissioner
of Transportation

TRANSIT SHELTER ATTITUDE STUDY

EXECUTIVE SUMMARY

Hamilton Street Railway and Gallop & Gallop Advertising Inc. required information about attitudes towards transit shelters located in the downtown core area. The objectives of the study were to assess respondents' attitudes towards transit shelters and the Gore Park development, and to determine their attitudes towards additional features of the transit shelters. A total of 100 completed interviews were conducted from November 21, 1988 to November 22, 1988 on the northeast, northwest and southwest corners of King and James. The interviews were conducted with respondents over the age of eighteen who used the bus (50 interviews) and with respondents who did not use the bus (50 interviews). All respondents were shown a picture of three examples of transit shelters.

The main results for the study were as follows: All 100 respondents were asked whether there was a shelter located at the bus stop in the area where they live. In response, 39% indicated that there was a transit shelter located at their bus stop. Of the 61 respondents who did not have a transit shelter in the area where they live, 93% had noticed the bus shelters in other areas. Therefore, a total of 96% of the respondents were aware of transit shelters. When respondents were shown the three examples of the transit shelters, the results indicated that respondents would like a transit shelter that protects them from the weather and is a reasonable size. It should have good visibility and not be too open (i.e. some glass protection on all four sides). They would like the shelter to include a garbage can, phone, bench and a bus route map.

93% The results indicated that the highest percentage of respondents strongly agreed (56%) that a litter container was an additional feature that they would like. When the strongly agree and agree results were combined, the results indicated that the litter container rated the highest (93%) followed by a bulletin of city events (82%), a telephone booth (69%) and a local newspaper box (52%). Before respondents were shown a picture of the first transit shelter, they were asked whether they strongly agree, agree, disagree or strongly disagree that shelters should be located in the downtown area. As a result, 49% indicated that they strongly agreed, 44% agreed, 4% disagreed, 1% strongly disagreed and 2% did not know. Therefore, the initial reaction to the transit shelters was favourable by 93% of the respondents.

The respondents were asked if they felt that a shelter located at King and James would detract from the development of Gore Park. Based on the first two examples of the transit shelters, a total of 88% of the respondents indicated that the transit shelters would not detract from the development of Gore Park and 12% indicated that they felt that it would detract from Gore Park. There was no significant difference in the responses between users and non-users of the bus. When the picture of the largest transit shelter was shown to the respondents, a total of 78% of the respondents felt that this transit shelter would not detract from Gore Park and 21% felt that it would detract from Gore Park. Overall, the majority of respondents felt that the transit shelters would not detract from the Gore Park development.

Hendershot Research Consultants
MARKETING & ADVERTISING RESEARCH
Hamilton (416) 528-6523

THE RESEARCH PROCESS

Hendershot Research Consultants offers full-service Marketing Research - developing the client's objectives and needs into a research methodology, designing a questionnaire, conducting the fieldwork (telephone, mall-intercept, mail, personal interviews or focus groups), analysing the data, providing a presentation and a final report.

BENEFITS OF RESEARCH

The results of a Marketing Research study can provide input towards effective planning of marketing and advertising strategies (e.g. to identify target markets, to determine attitudes towards a product or service, or to determine which advertising media would be the most effective).

TYPE OF STUDIES

The type of studies conducted in the past have included:

- Market share
- Market segmentation
- Attitude research
- New product testing
- Advertising awareness & recall
- Advertising concept testing

ADDITIONAL SERVICES

- Demographic Location Analysis provides detailed information for a specific geographic area based on Statistics Canada data. The data can be presented in the form of a map consisting of demographics (age, sex etc.) and consumer expenditures (household appliances, clothing, automobiles etc.).

- Information from existing reference sources is available for managers who require background information about companies, markets or products.



- 5 -

RECOMMENDED PHASING PROPOSAL

PHASE 1 - MAY 1989

- Install prototype shelters on the north side of King Street W., west of James Street and on the west side of James Street, north of King Street for a 3 month trial period (SEE FIGURE 1).

PHASE 2 - AUGUST 1989

- Install 2 shelters on the west side of James Street, between Main and King Streets (SEE FIGURE 1).

PHASE 3 - MAY 1990

- Install 1 shelter on the south leg of Gore Park, west of Hughson Street (SEE FIGURE 2).
- Install 1 shelter on the north side of King Street, east of James Street (SEE FIGURE 2).
- Install shelters at all bus stops on King Street, west of James Street and at all bus stops on James Street between King and Main Streets.

PHASE 4 - MAY 1991

- Install shelters at the balance of bus stops on King Street (south and north side) between John Street and James Street except at the cenotaph.

*We're going
your way.*

FIGURE 2 - PROPOSED PHASING OF SHELTERS AT
DOWNTOWN BUS STOPS

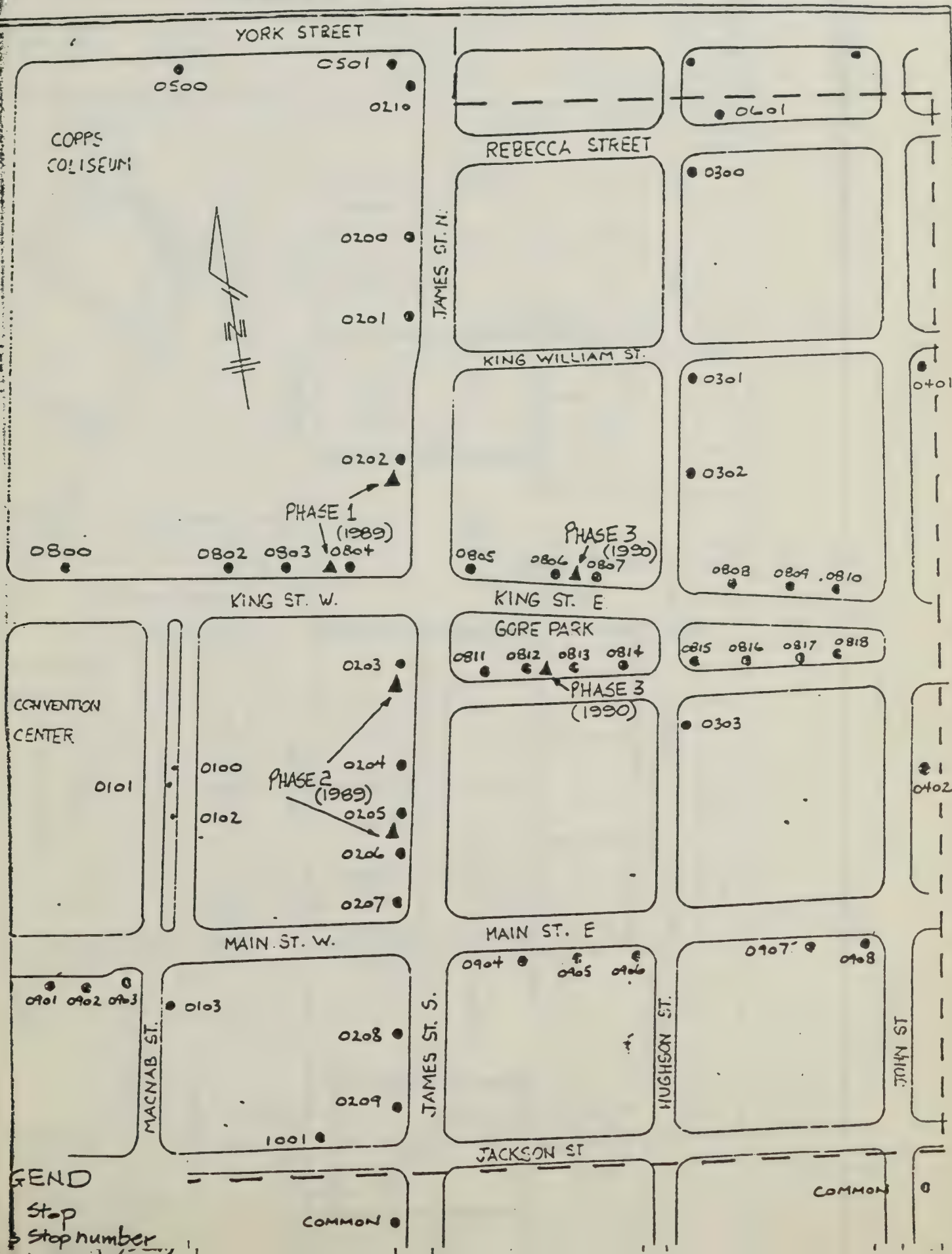
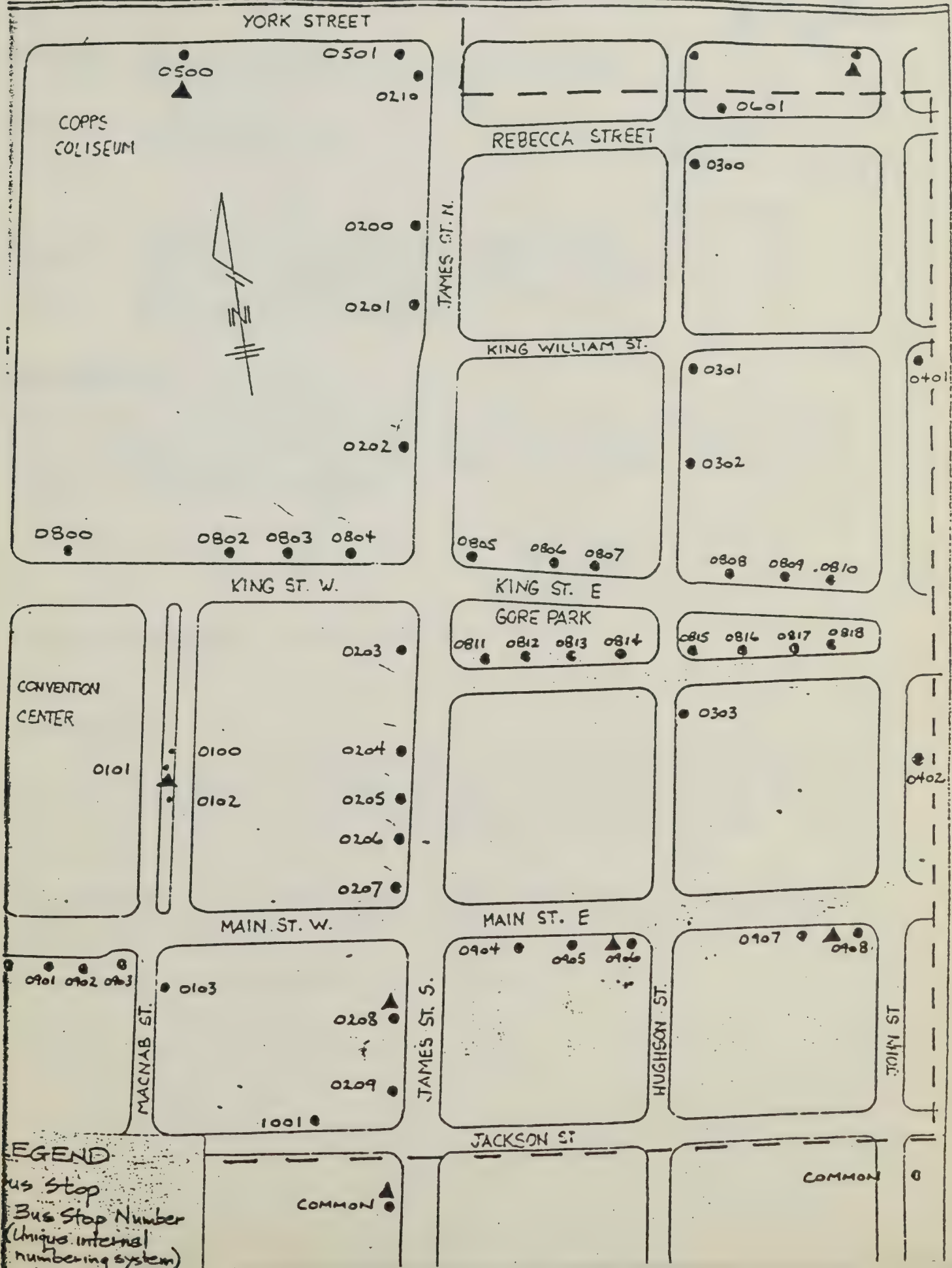


FIGURE 1 - EXISTING
DOWNTOWN BUS STOPS



LEGEND

Bus Stop
Bus Stop Number
(Unique internal
numbering system)

COMMON

COMMON

0



FOR ACTION

10.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

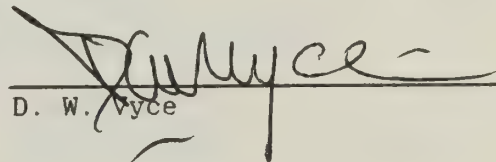
DATE: 1989 March 23
COMM FILE:
DEPT FILE: 80.4.29
(4509)

MAR 23 1989

SUBJECT: Release of Building Covenants - 601210 Ontario Inc.
(now, York & Bay Centre Inc.) - 151 York Boulevard
Part 1, Plan 62R-5977 and part of Napier Street
being Part 1 - Plan 62R-7789

RECOMMENDATION:

That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to the present owners of 151 York Boulevard, Hamilton, Ontario to release the property from the construction covenants to the City as contained in deed number 332207 C.D.


D. W. Vyce

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

In adopting Item 2 of the Sixth Report of the Planning and Development Committee, City Council on February 26, 1985 authorized the sale of Part 1 on Plan 62R-5977 and part of Napier Street being Part 1 on Plan 62R-7789 to 601210 Ontario Inc. The transaction was completed on October 31, 1985. Their proposed building is now completed.

This department supports the request of the owner, that the City of Hamilton release the construction covenants contained in deed number 332207 C.D. in order to clear the title.

All covenants as noted above have been fulfilled.

c.c. - Mr. K.A. Rouff, City Solicitor

FOR ACTION

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1989 April 4
COMM FILE:
DEPT FILE: 100.11.129

SUBJECT: Purchase by the City - 354 Birch Avenue

RECOMMENDATION:

That an Option to Purchase the property at 354 Birch Avenue duly executed by James William McKnight and Rhonda McKnight on April 3, 1989 and scheduled to close on or before June 19, 1989 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 9.60 metres (31.5 feet) by a depth of 32.23 metres (105.750 feet) comprising an area of 251.76 square metres (2,710 square feet) with structures erected thereon. The purchase price of \$94,000.00 in accordance with Schedule "A" attached and all costs and associated expenses to be charged to Account #CF 5590 308750001.


D. W. Vyce

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

There will be revenue generated by the disposal of the assembled lands. The amount is not known at this time.

BACKGROUND:

In accordance with City Council's instructions (Item 27, July 28, 1987) to acquire the properties in the Alpha Enclave (West) and the subsequent City Council recommendation to expropriate the aforementioned property at their meeting of November 8, 1988, Item 4 of the 22nd Report of the Planning and Development Committee, we have now reached a satisfactory settlement to acquire 354 Birch Avenue and we enclose herewith an Option to Purchase agreement for same in the amount of \$94,000.00.

Attach.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Swan, Manager, Property Maintenance Division

OPTION TO PURCHASE

BETWEEN: James William McKnight
Rhonda McKnight

Hereinafter called "the Owner"
OF THE FIRST PART;

In care of Mr. John Dean,
Barrister & Solicitor
20 Jackson St. W., Suite 500, Box 1066, Hamilton, Ont. L8N 3R4
THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called "the City"
OF THE SECOND PART:

In consideration of the sum of ONE-----DOLLARS (\$1.00)
paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner
hereby grants to the City the sole and exclusive option, irrevocable within the time
for acceptance herein limited, to purchase the following property owned by the
Owner, namely, the lands and premises situate in the City of Hamilton in the
Regional Municipality of Hamilton-Wentworth and being composed of part of Lots
62, 63, 73 and 74 and part of Reserve C, Plan 471, having a frontage
along the easterly limits of Birch Avenue of 9.60 metres (31.5 feet)
more or less) by a depth of 32.23 metres (105.750 feet) more or less,
containing an area of 251.76 square metres (2,710 square feet) more
or less) together with all structures erected thereon and known as
Municipal No. 354 Birch Avenue, Hamilton, Ontario.
Forming part of this Option to Purchase are Schedule(s) "A" attached hereto.

The purchase price of the said property shall be the sum of NINETY-FOUR THOUSAND-----
DOLLARS (\$ 94,000.00
of lawful money of Canada.

The sum of \$ 1.00 already paid to (the agent for) the Owner as consideration for
the granting of this Option shall be credited to the City and allowed as part of the
purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not
after, the 2 day of May 19 89, and may be accepted by a letter
mailed or delivered to the ~~owner~~/solicitor/agent at the above address and
the event that this Option is not accepted this Option and everything herein
contained shall be null and void and no longer binding upon any of the parties
hereto and the Owner shall be entitled to retain the said sum given as consideration
for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and
the letter accepting this Option shall then become a binding contract of purchase
and sale between the parties hereto and payment of the said purchase price to the
Owner shall constitute complete satisfaction to the Owner for all actions, claims
and demands of the Owner for compensation for lands expropriated, for compensation
for lands injuriously affected, if any, and for cost, if any, to which the Owner may
be entitled by reason of the City having passed a by-law or by-laws expropriating
the said lands or any part or parts thereof and for damages and costs, if any, by
reason of the act, neglect or default by the City or by anyone on its behalf in
respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid
and except as to any registered restrictions and covenants that run with the land,
provided that such are complied with. The City is not to call for the production of
any title deeds, abstract or evidence of title except such as are in the possession
of the Owner.

The City is to be allowed 45 days from the date of the acceptance of this
Option to examine the title at its own expense. If within that time any valid
objection to title is made in writing to the Owner which the Owner shall be unable
or unwilling to remove and which the City will not waive the contract arising out of
the acceptance of this Option shall, notwithstanding any intermediate acts or
negotiations in respect of such objections, be null and void and the deposit
(including the sum paid for the granting of this Option) shall be returned by the
Owner without interest and he and the agent shall not be liable for any costs or
damages. Save as to any valid objection so made within such time the City shall be
conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or
before June 19, 1989 on which date the Owner will convey the said lands
to the City or to its nominee by a good and sufficient deed thereof in fee simple,
free and clear of all encumbrances, save as aforesaid, and shall deliver vacant
possession of the said lands to the City free of all tenancies, leasehold interests
or any other rights or interests therein.

Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser, said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

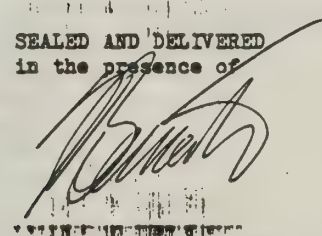
Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City by means of the City's uncertified cheque.

This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

DATED at HAMILTON this 3 day of APRIL 19 89.

SIGNED, SEALED AND DELIVERED
in the presence of



James William McKnight (Seal)
Rhonda McKnight (Seal)
(Seal)

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O.1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

REMAX REAL ESTATE
XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX
Witness Spouse (Seal)

9/17/87

SCHEDULE "A"

354 Birch Avenue
Hamilton, Ontario

Owners' Interest
James William McKnight
Rhonda McKnight

ELEMENTS OF COMPENSATION

Market value of realty	\$94,000.00
Total Compensation	\$94,000.00

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same as it deems fit.

Floor Coverings: Linoleum, tiles, carpeting, any covering normally held down with tacks or glue etc.

Electrical Apparatus: Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing: Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern and well pumps, and motors, sump pumps and motors etc.

Miscellaneous: Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises etc.

It is understood and agreed that the amount of \$94,000.00 is full and final payment of all compensation, interest and cost whatsoever which James William McKnight and Rhonda McKnight might be entitled to as a result of the acquisition by The Corporation of the City of Hamilton, of the land and buildings known as 354 Birch Avenue, Hamilton, Ontario.

DATED at Hamilton this 3 day of April 1987

WITNESS:

[Signature]
[Signature]

FOR ACTION

12.

REPORT TO: Mrs. Susan Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. C. Matthews
Treasurer

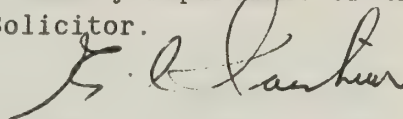
DATE: 1989 March 31
COMM FILE:
DEPT FILE:

MAR 31 1989

SUBJECT: FINAL RELEASE OF HOLDBACK REQUEST

RECOMMENDATION:

That total holdback in the amount of \$12,030.50 be released to Standard Paving Co. Ltd. for the completion of the contract, P.O. 28072, for the York Boulevard Streetscape pending receipt by the Treasury Department of the standard release forms from the contractor and City Solicitor.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Contractor entitled to release of holdback on 46th day after total completion under the Construction Lien Act.

BACKGROUND:

The contract was approved by Council September 29, 1987 for \$120,305.00. It was completely performed on September 29, 1988. The 45 day lien period expired November 15, 1988 and I am recommending release of all holdback monies at this time pending receipt of the necessary release forms by the Treasury.

13.

Memorandum

TO: Mrs. S. Reeder, Secretary
Planning and Development Committee

YOUR FILE:

FROM: Mr. E. A. Simpson
City Clerk

OUR FILE:
PHONE: 526-3994

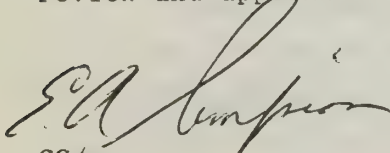
SUBJECT: CITIZEN APPOINTMENTS - BUSINESS LAND
ADVISORY BOARD

DATE: 1989 April 5

As per the request of City Council at its meeting held 1989 March 28, an advertisement was placed in the Hamilton Spectator for two (2) citizen members for the Business Land Use Advisory Board.

Please find attached letters of application from Mr. Alexander Mouriopoulos and Mr. Andy Roberts.

Kindly forward the attached to the Planning and Development Committee for their review and appointment.


CC/mec

Attached

ALEXANDER MOURIOPOULOS, B.A., LL.B.
BARRISTER, SOLICITOR, NOTARY PUBLIC

TELEPHONE
(416) 528-0306

FAX
(416) 528-6616

April 4, 1989

ONE HUGHSON STREET NORTH
SUITE 6000
HAMILTON, ONTARIO
L8R 3L7

RECEIVED

APR 4 1989

CITY CLERKS

Mr. E.A. Simpson
City Clerk
City of Hamilton
City Hall
71 Main St. W.
Hamilton, Ontario
L8N 3T4

Dear Mr. Simpson:

Re: Citizen Appointment to the Business
Land Use Advisory Board

In response to your public notice, I hereby respectfully request that you consider this correspondence as an application by the author for the position of citizen appointee on the above-captioned Board.

I am a sole practitioner in the practice of law with a specialization in the areas of real estate, commercial, financing and corporate.

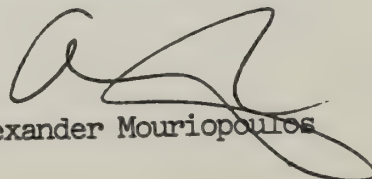
I was born, raised and educated in the City of Hamilton except for my term of study at Osgoode Hall Law School in Toronto and returned to this City to open my practice. I obtained a Bachelor of Arts degree in urban geography at McMaster University where I took courses on urban planning.

I still maintain a very keen interest in the land use planning area and consider this appointment as an opportunity to put those skills learned earlier to some benefit.

I am active in the community and currently am a member of the Hamilton-Wentworth Board of Commissioners of Police. I believe strongly in the future of the City and the Region and hope to make a contribution towards its growth and prosperity in any way I can, including public service.

Thanking you for your kind consideration herein, I await your reply.

Yours sincerely,



Alexander Mouropoulos

AM/mr

RECEIVED

APR 3 1989

CITY CLERKS

240 Bendamere Ave.,
HAMILTON, Ontario,
L9C 1P5
Telephone 389-4509
April 1, 1989

City of Hamilton,
City Hall,
71 Main St. West,
HAMILTON, L8N 3T4

Attention Mr E. A. Simpson, City Clerk.

Re: APPOINTMENTS BUSINESS LAND USE ADVISORY BOARD

Dear Mr Simpson,

Will you please be good enough to submit my name for consideration as a Citizen Member of the above noted Board.

I am 59 years of age, married and with 2 grown children, and have lived mainly in Hamilton these past 37 years.


During the past 20 odd years I have been connected with the Real Estate industry in one way or another, first as a salesman, then on to management, appraisals, analysis, and development. For the past 15 years I have worked for the Provincial Government as a Property Agent and have been involved in most of the facets which affect the provision of suitably regulated land for many purposes. During this time I have acquired a more than passing knowledge of the dynamics of the property market and the various Statutes and regulations which affect Property, particularly for Industrial & Commercial uses.

I have long had an interest in our Community and believe I have the background to be of assistance in this very worth while board. I would be honoured if you would confirm my appointment.

If I am an acceptable candidate I offer honesty, dedication, diligence, integrity, professional competence, and enthusiasm.

The following have agreed to provide such references as they can as to my suitability for this position.

	Business	Home
Duncan Beattie	383-9121	389-6828
Peter Baker	523-7275	525-6647
Ena McCulloch	525-1115	525-6647
Fred Moyes	529-9140	648-6922
	(ext 5382)	



Andy Robertson

Corporation of the City of
Memorandum

14.

TO: Miss C. Coutts, Secretary
L.A.C.A.C.

YOUR FILE:

FROM: Susan K. Reeder, Secretary
Planning and Development Committee

OUR FILE:
PHONE: 526-2753

SUBJECT: Heritage Permit for Alterations to
252, 262 and 268 James Street South.

DATE: 1989 March 22

This will confirm that the Planning and Development Committee at its meeting held Wednesday, 1989 March 15 agreed to TABLE the above-noted matter.

It was agreed that this matter be tabled until the Building Department has reviewed the Building Permit Application.

Would you please advise when this matter is ready to be placed back before the Planning and Development Committee for deliberation.

Susan K. Reeder,

SKR:dbm

c.c. - Mr. V. Abraham, Director of Local Planning
Attention: Ms. N. Chapple
- Mr. P. Kuppe, Building Commissioner
Attention: Mr. L. King

FOR ACTION

REPORT TO: Mrs. S. Reeder, Secretary
Planning and Development Committee

FROM: Miss C. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 February 23

COMM FILE:

DEPT FILE:

SUBJECT: HERITAGE PERMIT FOR ALTERATIONS TO
252, 262 AND 268 JAMES STREET SOUTH

RECOMMENDATION:

That a Heritage Permit application be approved for alterations proposed for the designated properties at 252, 262 and 268 James Street South, as marked on the plans submitted by Moffat, Kinoshita Associates Incorporated, dated 1989 February 2.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1989 February 13, met with Mr. Jerry Chlebowski of Moffat, Kinoshita Associates Incorporated and gave preliminary approval on the plans for the proposed alterations for these designated properties.

For properties designated under the Ontario Heritage Act, proposed alterations to designated features require Council approval. Presently, only the east, north and south facades are designated, and the interior hallway of 252 James Street South.

This new proposal consists only of an adaptive re-use project, converting residential buildings to a commercial use. The former in-fill project has been discontinued and as a result, the new design causes minimal intervention with the exterior views.

Photographs and the necessary Planning information are attached.

Attached

HAMILTON LACAC -- HERITAGE RESEARCH FORM

Date: Nov. 1985

Name(s) and Address of Property: Henson Manor Apartments (formerly
the Hendrie House)

252 James St. South

Present Owner(s): Sam Henson Apartments Ltd.

Present Occupant(s): See current assessment.

Present Use: Apartments (23 units); part of ground floor recently
converted to architect's offices.



Date of Construction: 1891-92

Architect and/or Builder: William A. Edwards, architect
Samuel Henson, builder responsible for 1937 conversion to apartments.

Original Owner(s): Tunis B. Griffith

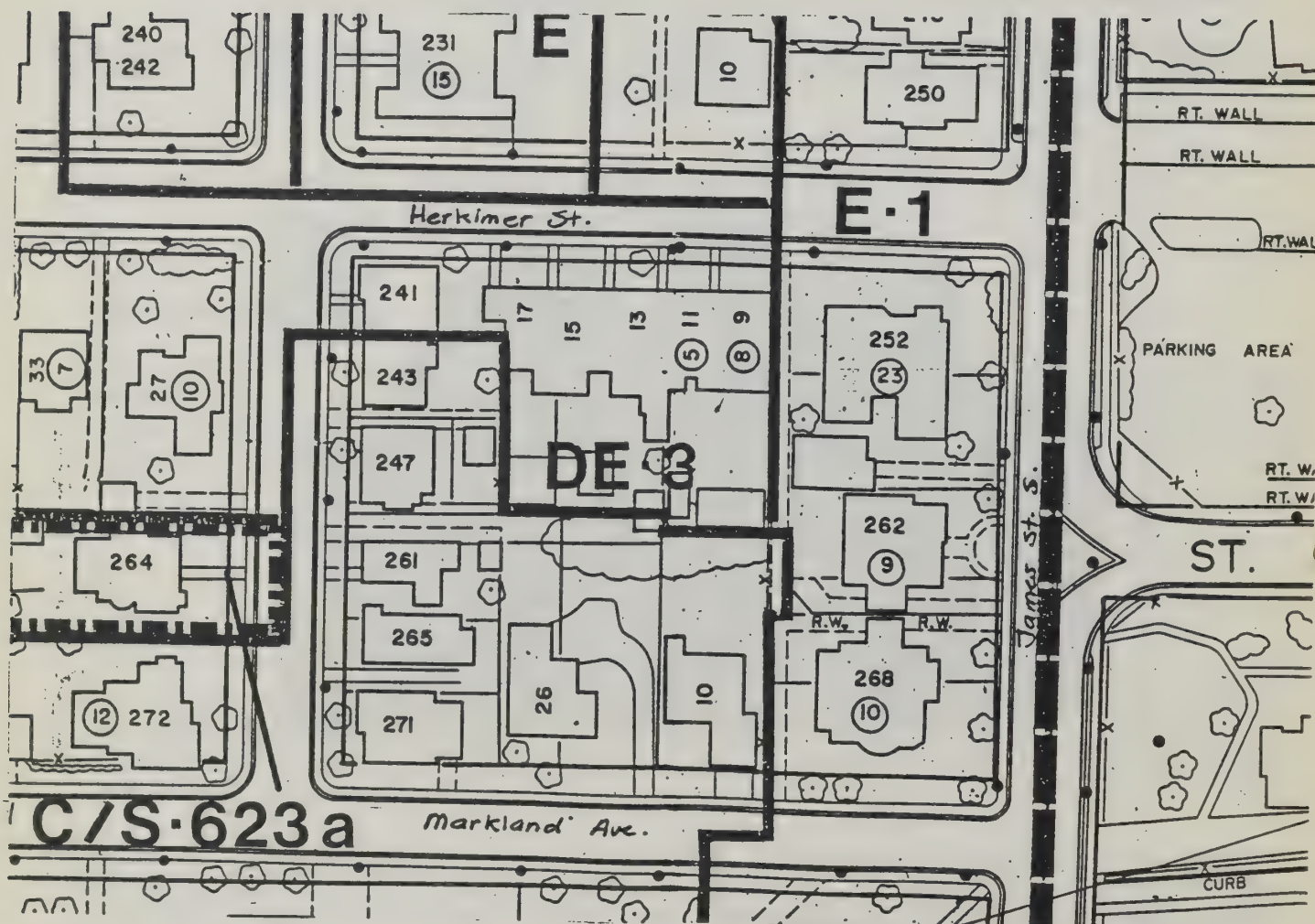
Original Occupant(s): Tunis B. Griffith and family

Plan and Lot Number: Plan 1270. Lots 64 and 65; part lot 66.

Heritage Status: listed; to be designated.

CURRENT INFORMATION ON SITE AND BUILDING

Map: Block bounded by James, Herkimer, MacNab and Markland Sts. Durand Zoning, June 1985 (City of Hamilton, Neighbourhood Maps, p. 41).



Zoning: E-1 (multiple dwellings); max. floor area = 1.7 x area of lot;
max. height = 12 storeys.
- in process of being rezoned for mixed commercial and residential use (general or medical offices and multiple dwellings); most of the historic residences on James St. South already converted to such uses.

Context: One of three large Victorian mansions on James St. South in the block between Herkimer and Markland (252, 262 and 268), all owned by Sam Henson Apartments Ltd.; located at southern limit of a major historic streetscape.

Building Frontage: 120 ft

Assessment:

\$44,500

Date:

HAMILTON LACAC -- HERITAGE RESEARCH

Name(s) and Address of Property: 262 James St. South

Henson Manor Wing Apartments

Present Owner(s): Sam Henson Apts Ltd.

Present Occupant(s): See 1984 Assessment.

Present Use: Apartments (9 units)



Date of Construction: 1892-93

Architect and/or Builder: unknown

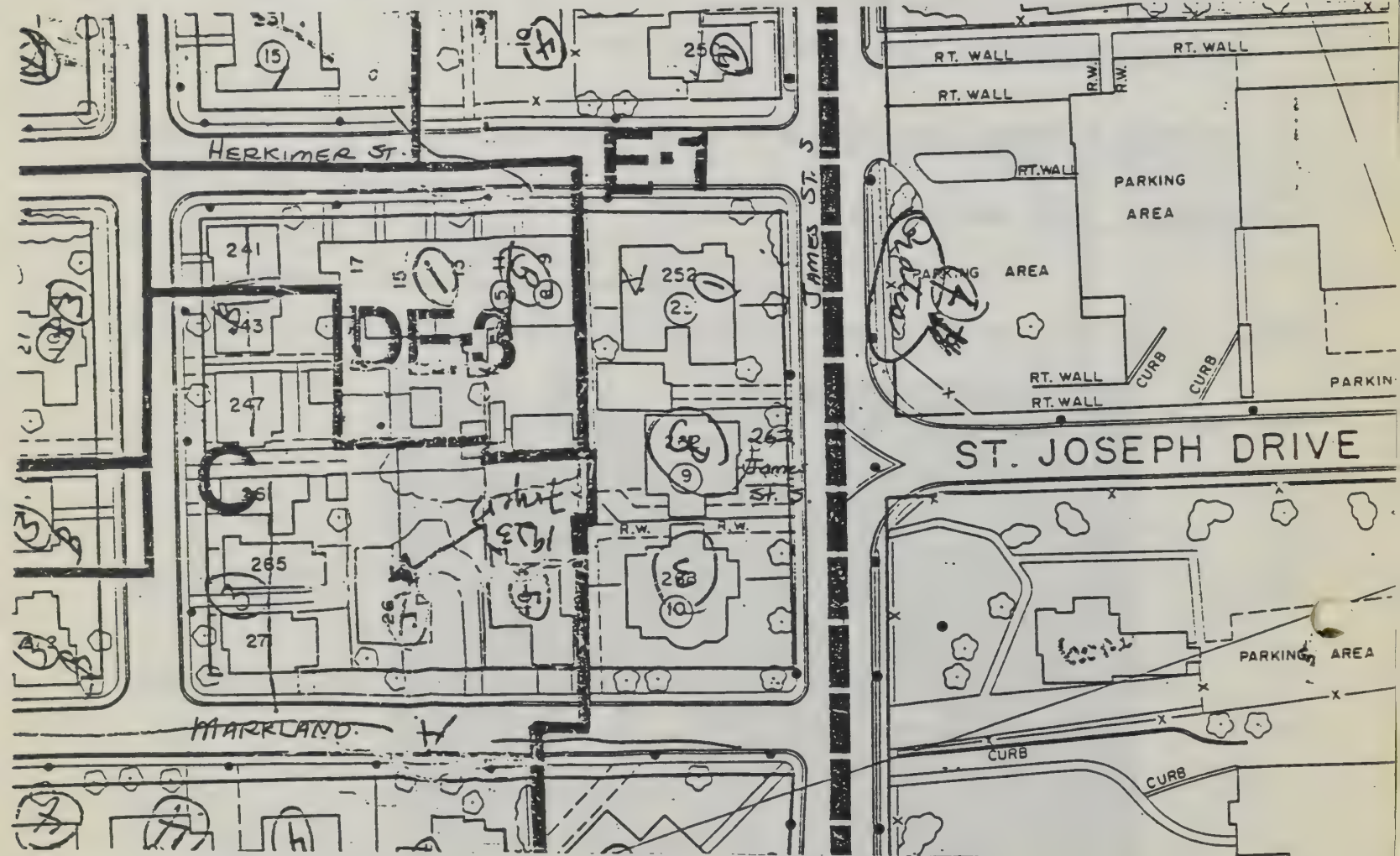
Original Owner(s): Henry P. Coburn

Original Occupant(s): same

LACAC Photographs:

CURRENT INFORMATION ON SITE AND BUILDING

Map: Site Plan



Plan and Lot Numbers: Plan 1270. Partlots 66 and 67.

Zoning: E-1 (multiple dwelling)

Building Frontage: 70 ft

Building Assessment: \$21,700

Heritage Status: listed in Inventory.

Context:

HAMILTON LACAC -- HERITAGE RESEARCH FORM

Date: Nov. 1985

Name(s) and Address of Property: Henson Manor Annex.
268 James St. South

Present Owner(s): Sam Henson Apts Ltd.

Present Occupant(s): See current assessment.

Present Use: Apartments



Date of Construction: 1894-95

Architect and/or Builder: James Balfour, architect
Samuel Henson, builder responsible for conversion to apartments.

Original Owner(s): Charles M. Counsell

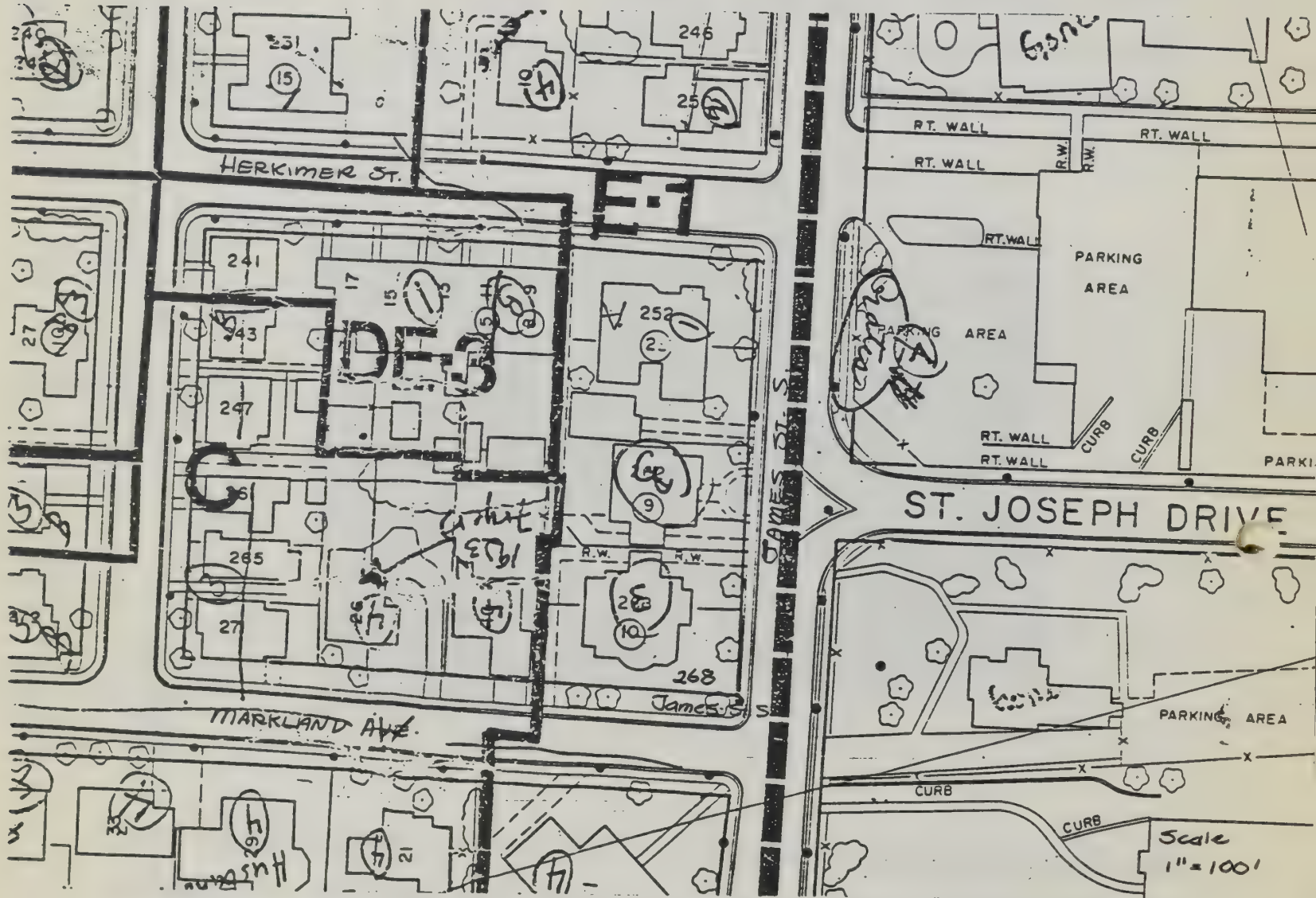
Original Occupant(s): Charles M. Counsell and wife.

Plan and Lot Number: Plan 1270. Lot 68; part lots 66 and 67.

Heritage Status: listed; to be designated

CURRENT INFORMATION ON SITE AND BUILDING

Map: Block bounded by James, Herkimer, MacNab and Markland Sts.
Durand Zoning, June 1985 (City of Hamilton, Neighbourhood
Maps, p. 41.)



Zoning: E-1 (multiple dwellings).
See file on 252 James St. South for explanation.

Context: See file on 252 James St. South.

Building Frontage: 91.66 ft

Assessment: \$24,500



RE:

AT:

14a.

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

March 28, 1989

MAR 29 1989

Mrs. Susan Reeder,
Secretary
Planning and Development Committee
City Clerk's Department

Dear Mrs. Reeder:

RE: Heritage Permit for Alterations to
252, 262 and 268 James Street South

Further to the report from The Local Architectural Conservation Advisory Committee (L.A.C.A.C.) to the Planning and Development Committee dated February 23, 1989, please be advised that this Department has reviewed the preliminary plans for the proposed alterations to these designated properties. This Department has no objection to the approval of the Heritage Permit as discussions with the design firm of Moffat, Kinoshita Associates Incorporated have taken place and the designer is attempting to prepare plans in accordance with the Ontario Building Code.

Yours truly,


PAUL KUPPE, P.Eng.
Building Commissioner

PCL/dm

FOR ACTION

15.

REPORT TO: Mrs. S. Reeder, Secretary
Planning and Development Committee

FROM: Miss C. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 April 5
COMM FILE:
DEPT FILE:

SUBJECT: HERITAGE PERMIT - 111 ST. CLAIR AVENUE

RECOMMENDATION:

That a Heritage Permit be approved for the construction of a garage at the rear of 111 St. Clair Avenue, located within the St. Clair Avenue Heritage District.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1989 March 31 gave preliminary approval for the Heritage Permit.

Any new construction requires a Heritage Permit to be approved by City Council for properties located within a Heritage District pursuant to the provisions of the Ontario Heritage Act, 1983.

/mc

FOR ACTION

16.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

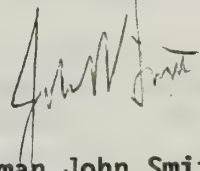
FROM: ALDERMAN JOHN SMITH
CHAIRPERSON
URBAN DESIGN COMMITTEE

DATE: 1989 April 4
COMM FILE:
DEPT. FILE: P5-4-7-13

SUBJECT: BENCH ADVERTISING

RECOMMENDATIONS

1. That the Planning and Development Committee request the Transport and Environment Committee to:
 - a) Phase out the current program of permitting benches for advertising purposes on sidewalks abutting Regional Roads within Hamilton; and,
 - b) Consider a program enabling businesses, organizations and individuals to donate benches with small inscriptions of recognition for placement adjacent to Regional Roads in Hamilton.
2. That Regional Council be informed of the above recommendation, and be requested to phase out bench advertising adjacent to all Regional roads.


Alderman John Smith
Chairperson
Urban Design Committee

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

At present, the Regional Engineering Department administers a program through which businesses or organizations are permitted to place benches on sidewalks abutting Regional Roads for advertising purposes. A total of 179 benches are currently covered by this agreement and up to 500 benches would be permitted. Such benches are governed by a series of conditions and criteria for location, which are summarized in the attached list in Appendix "1".

The benches are prohibited in the downtown area of Hamilton, defined for these purposes as the area between Main and Wilson Street, and between Bay and Wellington Streets. Benches adjacent to Regional Roads outside the City of Hamilton are permitted only with the written approval of the affected area municipality. Many of them are located in areas such as Queenston Road and Centennial Parkway. The fee for the placement of these benches is \$22 for the year 1989. This would translate into a total annual income of approximately \$3,838.

ANALYSIS

The benches are used for advertising a variety of business enterprises such as real estate companies and agents, legal services, retail stores, etc. Some of the signs are provided for non-profit organizations. Conditions are set out in an agreement prepared following the approval by Regional Council of a By-law on April 7, 1987, resulting from a report to the Engineering Services Committee.

The intent of the benches is to provide additional pedestrian seating by means of allowing advertising. However, the use of these benches for seating appears to be limited. Many of them are located in awkward places, such as at the very corner of busy intersections within only a few feet of the travelled roadway, or on a sloped landscaped area above the sidewalk. The benches do not appear to be as well constructed and safe as City owned benches, and seating surface is often sloped. The agreement does not address the design or comfort level of the benches, and few people have been observed using them.

There are also concerns about the appearance of the benches. The signs placed on the seat backs are generally large and may have oversize pictures or graphics on them. In some cases, these sign graphics are out of context with the surrounding land uses, such as schools, parkland and designed streetscapes. A photograph inventory illustrating some of these concerns is available.

The Urban Design Committee, a sub-committee of the Planning and Development Committee, at their meetings of November 28, 1988 and January 30, 1989 expressed concerns about the design of these benches, and their impact on the overall streetscapes. They create visual clutter or contribute to it, and are not in keeping with the image Hamilton is trying to create. There is increasing awareness of urban design and its importance in contributing to a healthy economy. The revenue generated by the bench advertising agreements is limited. At present, the 179 benches generate a total of \$3,838 in fees per year. This amount does not seem significant in terms of overall budgets and costs for engineering services. The present agreements are for a period of four years, unless terminated earlier as permitted by the by-law conditions.

A survey has been carried out to determine the extent of bench advertising in adjacent municipalities. The results, summarized in Appendix "2", indicates that Burlington, Mississauga and Toronto City Councils have all rejected various proposals for bench advertising, mostly for aesthetic reasons. These municipalities are strongly opposed to bench advertising. Some such benches are provided in North York, East York and Newmarket.

The provision of additional pedestrian seating could be achieved by means other than the present bench advertising program. The City does provide City-owned benches for pedestrians at some high-traffic locations, especially in the downtown area. Consideration could be given to increasing the number of City-owned benches, where warranted and as possible. Alternatively, businesses and organizations could be encouraged to provide good quality benches in appropriate locations, in exchange for a tasteful small inscription of recognition on the benches. This could take the form of a small plaque, which would be scaled more toward the passing pedestrians and users of the benches, than the high-speed vehicular traffic. Consideration could also be given to other more aesthetic forms of advertising to cater to the demand of current bench advertising users.

CONCLUSION

In the interests of good urban design, and the continuing enhancement of the City's image, the present program of bench advertising should be phased out as soon as possible. Alternative means of recognizing businesses who provide additional pedestrian seating should be investigated.

VG:s/cs
Attach.
0125P

BENCH ADVERTISING
AGREEMENT CONDITIONS

Conditions for the privilege of placing benches on sidewalks abutting Regional roads:

1. Annual fee of \$21.00 for 1988, \$22.00 for 1989 and \$23.00 for 1990.
2. The applicant provides an inventory listing exactly where benches are placed.
3. The applicant provides a map showing the location of where each bench is situated.
4. Prior to the placement of any bench, approval of the Neighbourhood Businessmen's Association must be obtained.
5. The applicant shall make available to the Region 5% of the benches for local service organizations.
6. The applicant shall provide insurance policies for any claim for damages, injury or death.
7. The applicant will, at all times, keep and maintain the benches in a good and proper state of repair and safety.
8. This agreement shall be for a period of four years.

There are 179 benches covered by this agreement.

Bench Advertising Survey of Selected Municipalities

Municipality

Burlington

- not permitted
- Council has rejected proposals approximately 4 times, for aesthetic reasons

Oakville

- no policy established for bench advertising

Mississauga

- not permitted
- Council has rejected proposals for aesthetic reasons; also not worthwhile economically

Toronto

- not permitted
- Council strictly against any advertising within the road allowance

North York

- yes, approximately 200 bench signs exist, mostly on arterial roads
- municipality controls location of signs

East York

- yes, approximately 20 bench signs, mostly on arterial roads
- municipality controls location of signs

Newmarket

- yes, approximately 40 bench signs, mostly on arterial roads
- municipality controls location of signs

17.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1989 APRIL 4
COMM FILE:
DEPT FILES: SA-89-01
25CDM-89001

SUBJECT

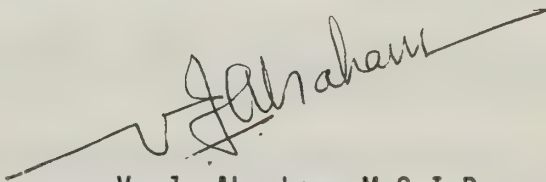
Proposed Draft Plan of Condominium "Forest James"

RECOMMENDATION

That approval be given to application SA-89-01, "Forest James", 710218 Ontario Inc., owner, to establish a draft plan of condominium located at the east side of James Street and north of Ferrie Street, subject to the following conditions:

- a) 1. That this approval apply to the plan prepared by Brian Jacobs, O.L.S., Guido Consoli Surveying Ltd, dated November 18, 1988.
- 2. That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.
- b) That the neighbourhood plan be amended accordingly.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development


V. J. Abraham, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

710218 Ontario Inc., c/o T. Serafini, Hamilton, Ontario

Surveyor

Brian Jacobs, Guido Consoli Surveying Ltd., Hamilton, Ontario

Location

The lands, comprising 0.107 ha, are located on the east side of James Street and north of Ferrie Street in the North End West Neighbourhood, City of Hamilton.

PROPOSAL

The owner has constructed 12 Apartment units within one building as a condominium project.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Existing Development" in the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Commercial". The proposal is subject to an amendment.

Zoning - the lands are zoned to permit the proposed use. The proposal complies.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the development:

Ministry of the Environment;
Ministry of Transportation;
Ministry of Culture and Communications;
City Board of Education;
Hamilton Region Coservation Authority;
Ontario Hydro, Union Gas and Bell Canada;
City Traffic Department;
City Building Department.

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

1. The proposed development can be serviced to James Street North;
2. It is recommended that any works which may occur within the James Street road allowance must conform to the City of Hamilton Streets By-law.
3. The owner must meet all financial requirements of the City and Region.
4. The submitted plan, as prepared by Guido Consoli, O.L.S., and dated November 18, 1988, is satisfactory to the Department of Engineering, subject to the above-noted comments and recommendations.

COMMENTS

1. The conformity of the proposal with the Official Plans and Zoning By-law is noted.
2. No commenting agency has objected to the plan of condominium.
3. The owner received approval of a Site Plan under DA-86-111. The condominium plan meets the required setbacks and parking requirements as approved under Site Plan Control.
4. The lands are designated "Commercial" in the approved North End West Neighbourhood. To reflect the recommended development of an Apartment Development as a condominium project, this designation should be amended accordingly.
5. The plan of condominium is not a conversion and therefore, is not subject to the Rental Housing Protection Act of the Provincial Government regarding rental conversions.

LAKE ONTARIO



Location Plan For

DRAFT PLAN OF

LOT 4

**REGISTRAR'S COMPILED
PLAN No 1498**

**BEING A PROPOSED CONDOMINIUM
CITY OF HAMILTON**

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED CONDOMINIUM

North



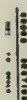
Scale
N. T. S.

Date
JAN. 20, 1989

Reference File No.
25CDM-89001

Drawing No.

PICTON STREET EAST



KEY PLAN

REGISTRARS COMPILED
SI AN N° 1498

PLAN No. 1496
ENGINE & PROPOSED CONCITY OF HAMILTON
REGIONAL MUNICIPALITY

**REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH**

SCALE: 1" = 10'

ONTARIO LAND SURVEYOR
1888

BEARING NOTE

STOCKS & BONDS FOR THE WEEK END - 1999-09-06
 17:00:00

ELEVATION NOTE

1. The first step is to identify the problem. In this case, the problem is that the company is not meeting its sales targets.

SCHEDULE RE - SECTION 80(2) (PLANNING ACT)

[illegible][illegible]

SITE STATISTICS:

AC COUNTRY

0-29 226 6408 970 - 410000

100-1-1-P - SECURITY & INVESTIGATION DIVISION

一、三、五、七、九、十一、十三、十五、十七、十九、二十一、二十三、二十五、二十七、二十九、三十一、三十三、三十五、三十七、三十九、四十一、四十三、四十五、四十七、四十九、五十一、五十三、五十五、五十七、五十九、六十一、六十三、六十五、六十七、六十九、七十一、七十三、七十五、七十七、七十九、八十一、八十三、八十五、八十七、八十九、九十一、九十三、九十五、九十七、九十九、一百。

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

[illegible]

OWNER'S CERTIFICATE:

7400 Connecticut Avenue, N.W. Washington, D.C. 20014

710218 ONIAMIU INC.

Page _____
of _____
NBA 800-674-6464

SURVEYORS CERTIFICATE

100

7-10-68

— 100 —

GUIDO CONSOLI

102 JACKSON ST E, MARILYN SW 7E 102

1

1

FOR ACTION

18.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 April 04
COMM FILE:
DEPT. FILE: P5-4-2-22

SUBJECT:

Municipal Building Profile.

RECOMMENDATION

That the City of Hamilton apply to the Minister of Housing to provide a \$20,000 grant to fund the development of a Municipal Building Profile.


V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

The Ministry of Housing, through the Municipal Building Profile program funds the preparation of residential data bases up to the sum of \$20,000. The total proposed budget is estimated to be \$40,000. The remaining \$20,000 is accommodated within the 1989 Planning and Development Department budget in terms of staff time predominantly at the Regional level. The City staff's role will be mainly consultative and will be charged to demand responsive projects. The project will have no financial impact on the proposed budget.

BACKGROUND

The Planning and Economic Development Committee have approved a parallel application for \$20,000 funding for a study which will cover the whole Region. However, due to the City of Hamilton's complex nature and issues it is proposed that the City's residential data base be prepared at a more detailed level. It is anticipated that the two studies (Region and City) will be done together, principally by staff of the Department's. However, a separate application is needed by the City of Hamilton to attract the additional \$20,000 funding.

NEED FOR UPDATE

The Municipal Building Profile will provide comprehensive information about existing housing stock for input into the Housing Statement Update, the Housing Intensification Study, the Central Area Implementation Plan and the review of issues concerning townhousing. It will also provide an ongoing data source about residential stock for monitoring housing policies, analysing housing issues and reviewing development proposals. The data base will provide information summaries to planners, senior management, the development industry, service agencies, the public, the Province and City Council.

PROPOSAL

A proposal for developing the Municipal Building Profile is attached. It will include information from Assessment files, the Property Data System, Ministry of Revenue property sales data, C.M.H.C., Statistics Canada and the Metropolitan Real Estate Board.

CONCLUSION

The Municipal Building Profile is one component of an extensive program to: update information on housing; meet the requirements of the Provincial Housing Statement on Affordable Housing; provide the Province with information on rental housing; review housing policies; and improve mechanisms that provide housing to meet the full range of requirements within the City of Hamilton. The City should make application for a 50% grant \$20,000 to the Minister of Housing.

JAB/dkp

WP 0021P

F O R A C T I O N

19.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 April 05
COMM FILE:
DEPT. FILE: P5-4-43

SUBJECT:

Commercial Strip Study

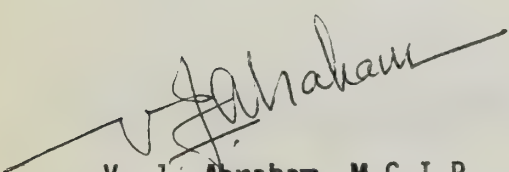
APR 6 1989

RECOMMENDATION

That the Planning and Development Committee request the Parking Authority to undertake the following as part of the Commercial Strip Study:

- identify the location and amount of existing on-street parking in the identified older commercial strips (see Appendix I); and,
- inventory and assess the possibility, on a block by block basis, of private property owners co-operating to provide off-street parking on under-utilized property under their control.

Such work will be undertaken under the supervision of the established study team (comprised of representatives of the Planning, Traffic, Community Development and Building Departments and the Parking Authority) who will also establish the appropriate terms of reference for the work to be done.


V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

EXPLANATORY NOTE

The Commercial Strip Study was initiated at the request of the Mayor and the Planning and Development Committee to look at options to resolve parking problems along older commercial strips to assist in the rejuvenation of these

areas. While much of the background information has been gathered, the details with respect to existing on-street parking conditions and potential private off-street parking has not been undertaken. This information is pivotal to the outcome of the Commercial Strip Study. The Traffic Department has recently advised that they are unable to commit current staff to undertake this work. The Parking Authority was considered as a viable option to provide funding for this work.

BACKGROUND

This study was initiated as a result of concerns expressed by the Mayor regarding the Planning Department's negative comments on Committee of Adjustment applications, particularly as they affected parking requirements for commercial uses in older areas of the City. It is the Mayor's feeling that many of the older strips were in need of rejuvenation and that staff should be supportive of development or redevelopment in these areas. Accordingly, the Planning and Development Committee dealt with the following:

"The Committee was advised on the agenda of "No Copy Items" forwarded to them from the Mayor respecting the following topics:

- a) Development of a Policy Statement which encourages the rejuvenation of specific areas of the City of Hamilton through granting variances through the zoning by-law as may be deemed appropriate and in the public interest.
- b) Review of parking standards with the aim of developing standards for specific areas in which the existing building stock and land is incapable of adhering to current standards. The purpose is to encourage conversion and reuse of buildings through a less stringent application of parking.
- c) . . .

The Director of Local Planning suggested that these items be referred to the Planning Department for a report and the Committee agreed to forward this material to the Planning Department."

Accordingly, a study was initiated to undertake an extensive analysis of the City's older commercial strips with particular emphasis on vacant and underutilized lands and buildings, parking, opportunities for upgrading/rejuvenation and re-use of buildings within these strips. (See attached - Appendix II - Terms of Reference).

REPORT

To date the following work has been undertaken:

- o a study team was established with representatives from the Planning and Development Department, Traffic Department, Community Development Department, Building Department and the Parking Authority; and,

- o under the direction of the study team, the following background information has been assembled:
 - vacancy rates including vacant land and/or buildings were identified; and,
 - all Committee of Adjustment and zoning application files were reviewed to determine the number and nature of applications along all the older commercial strips.

Preliminary analysis of this information has also been undertaken.

In August 1988, the study team met to review the work undertaken to date and reevaluate the next steps. One of the critical elements still to be undertaken at this point was an inventory of the existing parking situation in the identified strips. As a result of the August meeting, the Traffic Department and the Parking Authority were requested to provide the following information:

- o location and amount of existing on-street parking and Parking Authority lots;
- o locations where on-street parking may be considered in the future or conversely, locations where on-street parking has been (past two years) or is being considered for removal;
- o addition or removal of lots and/or spaces in lots;
- o special studies which are to be done or have been completed in these areas which may be relevant;
- o nature of useage (short-term versus long-term);
- o complaints, problems, concerns and/or observations with respect to the parking situation in any of these areas; and,
- o any other pertinent information.

The Parking Authority was able to provide most of the information requested with respect to the off-street parking, however, the City Traffic Department has recently advised (see attached Appendix III) that:

"We have estimated that in order to collect the requested information, approximately 50 man-days would be required. This would allow for the collection of an on-street parking inventory and a one-day, drive-by, usage survey which would provide a qualitative measure of parking usage. If additional information, such as parking durations or side street parking characteristics were also required, this estimate would have to be updated.

In addition, . . . we would suggest the following also be undertaken:

1. Inventory of vacant properties . . . within each strip area.

2. On those properties large enough to accommodate parking, how many spaces could be provided if the City purchased property and created a parking lot.
3. . . . cost of acquiring the above properties.
4. Inventory and assess the possibility, on a block by block basis, of private property owners co-operating to provide off-street parking on under-utilized property under their own control.

. . . given the work programs already in place, we are unable to commit current staff to these projects. Should funding become available from some source which would permit the hiring of temporary staff we would be in a position to supervise and assemble the collected information."

Number 1 of the additional reviews suggested by the Traffic Department was undertaken last summer by the Planning Department and would only require updating. Numbers 2 and 3 could be absorbed into the time allocated for this study by the Planning Department. The fourth review suggested would require approximately 25 man-days to complete. In total, it is estimated that 75 man-days will be required to obtain the requested parking information.

Obtaining this information is pivotal in identifying the nature and extent of the parking problems along older commercial strips in the City. In turn, if the problems cannot be identified, then options and solutions cannot be developed to deal with them effectively.

Without this information, the study will be ignoring a key component to the rejuvenation of the City's older commercial strips. While some preliminary options can be developed to resolve some of the other problems, no meaningful conclusions can be reached.

The Traffic Department has said they "are unable to commit current staff to these projects." The Planning Department can absorb some of the work suggested (as noted above). In researching alternative courses of action, it was determined that the Parking Authority, given its mandate and expertise, should be seriously considered to undertake the necessary work.

CONCLUSION

Given the importance of obtaining the information on existing on-street parking conditions, and the potential for private off-street parking to the outcome of this study, the Planning and Development Committee should request the Parking Authority to undertake the necessary work. Terms of reference for this work should be established by the existing study team (comprised of staff from the Planning Department, Traffic Department, Community Development Department, Building Department and the Parking Authority) and undertaken under their supervision.

COMMERCIAL STRIP STUDY

| <u>Street</u> | <u>From</u> | <u>To</u> |
|-------------------------|-------------------------------------|---|
| Barton Street East | Wellington Street | Strathearne Avenue |
| Main Street East | Wellington Street | Strathearne Avenue |
| King Street East | Wellington Street | Parkdale Avenue |
| King Street West | Queen Street | West of Newton Avenue |
| Fennell Avenue East | Upper Wentworth Street | Upper Gage Avenue |
| Main Street West | Queen Street South
Longwood Road | Dundurn Street
West of Newton Avenue |
| Locke Street South | Main Street East | South of Charlton Avenue |
| Parkdale Avenue | Barton Street East | Queenston Road |
| Concession Street | East-15th Street | East of Upper Sherman
Avenue |
| Ottawa Street North | Barton Street East | Main Street East |
| Kenilworth Avenue North | Barton Street East | Main Street East |
| Cannon Street East | James Street | Wentworth Street |
| Upper Wellington Street | Concession Street | Fennell Avenue |

COMMERCIAL STRIP STUDY - TERMS OF REFERENCEBackground

The Mayor expressed concern regarding the Planning Department's negative comments on Committee of Adjustment applications, particularly as they affected parking requirements for commercial uses in older areas of the City. It is the Mayor's feeling that many of the older strips were in need of rejuvenation and that staff should be supportive of development or redevelopment in these areas. Accordingly, on November 11, 1987, the Planning and Development Committee dealt with the following:

"The Committee was advised on the agenda of "No Copy Items" forwarded to them from the Mayor respecting the following topics:

- (a) Development of a Policy Statement which encourages the rejuvenation of specific areas of the City of Hamilton through granting variances through the zoning by-law as may be deemed appropriate and in the public interest.
- (b) Review of parking standards with the aim of developing standards for specific areas in which the existing building stock and land is incapable of adhering to current standards. The purpose is to encourage conversion and reuse of buildings through a less stringent application of parking standards.

(c) . . .

The Director of Local Planning suggested that these items be referred to the Planning Department for a report and the Committee agreed to forward this material to the Planning Department."

Purpose

The purpose of this study is to undertake an extensive analysis of the City's older commercial strips with particular emphasis on vacant and underutilized lands and buildings, parking, opportunities for upgrading/rejuvenation and re-use of buildings within these strips.

Objective

The objective of this study is to:

- o identify those commercial areas within the City where there are opportunities to upgrade, improve and re-use existing buildings/land which may now be underutilized;
- o identify creative means to resolve parking shortfalls or problems within these commercial strips; and,
- o identify specific techniques through such instruments as Official Plan policy, by-law standards (use, parking, etc.) cash-in-lieu of parking, municipal parking and funding programmes from various levels of government.

Approach

Phase I - Background

The first phase will comprise the following steps:

1. Set up a study team with representatives from the Policy Planning & Analysis and Development Sections of the Planning and Development Department, City Traffic Department, City Community Development Department, City Building Department and the Parking Authority;
2. Under the direction of the study team, undertake the following background work:
 - Identify the specific areas in which high vacancy rates exists among groups of commercial buildings located along strip commercial areas of the City. Commercial strips will be identified through such things as:
 - variance and zoning applications;
 - extended commercial study;
 - existing land use maps; and,
 - other available material.
 - Vacancy rates will be identified by:
 - windshield survey;
 - property files;
 - assessment roles (state whether vacant or occupied).

This background information will be catalogued and mapped accordingly.

- Review Committee of Adjustment records and zoning applications to determine the number of applications and the type of variances sought for properties in these areas.

Information from these variance applications should include:

- address;
- nature of variance;
- planning staff comments;
- approved, approved with conditions, denied;
- map with land use vacancy rates and parking information;
- nature and frequency of requests; (i.e., what was most frequently requested variance?)
- locations where most requests for variances made.

- Inventory the existing parking situation to determine the capacity and level of parking services currently provided and that which would be required in the future.

This would include:

- existing on-street and off-street parking (municipal and private);
- capacity versus needs of the area;
- relate to variance/zoning requests;
- relate to vacant buildings and options for re-use (commercial, residential); and,
- existing zoning (parking) restrictions.

The study team would meet on an ad hoc basis to assess the progress of the study and give advice and direction.

Phase II -- Policy Formulation

This Phase will include the:

1. Reviewing the findings of Phase I material.
2. Identifying and calculating an array of potential alternatives.

Such alternatives should include recommendations for each strip which could involve the following;

- Official Plan policy;

- o modifications to the zoning by-law, such as use, yard requirements, parking, etc.;
 - o utilization of the cash-in-lieu parking policy;
 - o municipal parking; and,
 - o utilization of various funding programs available to assist in implementation.
3. Developing a policy framework and a programme for implementation; and,
 4. Preparation and presentation of a staff report to the Planning and Development Committee.

This phase will require constant input and direction from the Study Team members.

Timing

It is expected that the entire study will take approximately eight months to complete. The actual staff time (Planning and Development Department only) is estimated to be 84 days of professional staff time.

Staffing

Staff from the Planning and Development Department required to undertake the study will include:

- o Division Head - Land Use and Urban Design;
- o Division Head - Policy and Neighbourhood Planning;
- o Planner I - Policy Planning and Analysis;
- o Planner III - Development;
- o Senior Planning Technician - Development; and,
- o Planning Technician - Planning Policy and Analysis.

This study will be undertaken under the direction of the Director of Local Planning and the Commissioner of Planning and Development.

PROPOSED STAFFING AND TIMING

| <u>Phase No.</u> | <u>Task</u> | <u>Estimate Time</u>
<u>(Man Days)</u> |
|------------------|-------------------------------------|--|
| I | 1. Set up Study Team | PI (PP & A) 3
DH (P & N) 1
DH (LU & UD) 1 |
| | 2. Background Work | |
| | - Vacancy Rates & Commercial Strips | PI (PPA) 3
PT (PPA) 6 |
| | - Review C of A +Z.A. applications | PIII (D) 3
SPT (D) 3 |
| | 3. Parking Review | PI (PPA) 2
PT (PPA) 5 |
| | 4. Study Team Meeting | DH (P & N) 2
DH (LU & UD) 5
PI (PP & A) 3 |
| Sub-Total | | 34 |
| II | | |
| | 1. Review Findings Phase I | DH (P & N) 1
DH (LU & UD) 1
PI (PP & A) 4
PT (PP & A) 5 |
| | 2. Identification & Evaluation | DH (P & N) 1
DH (LU & UD) 1
PI (PP & A) 3
PIII (D) 5
PT (PP & A) 5 |
| | 3. Develop Policy & Program | DH (P & N) 2
DH (LU & UD) 2
PI (PP & A) 3
PIII (D) 4
PT (PP & A) 4 |
| | 4. Prepare & Present Staff Report | DH (P & N) 1
DH (LU & UD) 1
PI (PP & A) 2
PIII (PP & A) 2 |
| Sub-Total | | 47 |
| Total | | 81 |



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1989 March 20

Mr. V.J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Dear Sir:

Re: Commercial Strip Study - Information Request

| | | | |
|----------|------------------------|--|--|
| FILE NO. | MAR 21 1989 | | |
| TO | CITY OF HAMILTON | | |
| FROM | HAMILTON | | |
| SUBJECT | COMMERCIAL STRIP STUDY | | |
| DATE | MARCH 21 1989 | | |
| BY | V.J. ABRAHAM | | |
| FOR | CITY OF HAMILTON | | |
| FILED | CITY OF HAMILTON | | |
| ADMIN. | CITY OF HAMILTON | | |

In response to your requests for parking inventory and usage information for this study, we offer the following information.

We have estimated that in order to collect the requested information, approximately 50 man-days would be required. This would allow for the collection of an on-street parking inventory and a one-day, drive-by, usage survey which would provide a qualitative measure of parking usage. If additional information, such as parking durations or side street parking characteristics were also required, this estimate would have to be updated.

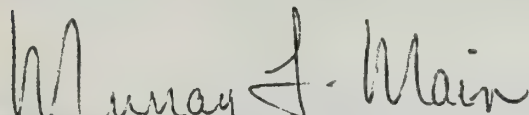
In addition to the above, we would suggest the following reviews also be undertaken:

1. Inventory of vacant properties (vacant in terms of no occupants and/or no building on the site) within each strip area.
2. On those properties large enough to accommodate parking, how many spaces could be provided if the City purchased property and created a parking lot.
3. Determine cost of acquiring the above properties.
4. Inventory and assess the possibility, on a block by block basis, of private property owners co-operating to provide off-street parking on under-utilized property under their own control.

Unfortunately, given the work programs already in place, we are unable to commit current staff to these projects. Should funding become available from some source which would permit the hiring of temporary staff we would be in a position to supervise and assemble the collected information.

Should you require any additional information, please contact Mr. Roland Karl at 4583.

Yours truly,

A handwritten signature in cursive script that reads "Murray F. Main". The signature is written in dark ink and is positioned above the typed name and title.

Murray F. Main, P. Eng.

Director of Traffic Services

RK/dd

FOR ACTION

20.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 April 3
COMM FILE:
DEPT. FILE: ZA-89-06
MOUNTAIN
INDUSTRIAL AREA

SUBJECT:

APR 6 1989

An amended application requesting a modification in zoning - Nos. 1120 and 1150 Stone Church Road East.

RECOMMENDATION

That approval be given to amended Zoning Application 89-06, Hamilton General Homes (1971) Ltd. and Multi-Area Developments Inc., owner, for a modification to the established "M-14" (Prestige Industrial) District regulations to permit a "Home Design Centre", offices and a bank, for property located at Nos. 1120 and 1150 Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "M-14" (Prestige Industrial) District regulations as contained in Section 17F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
 - a) That notwithstanding Section 17F(1)(a) of By-law No. 6593 the following COMMERCIAL USES shall be permitted:

| <u>Commercial Use</u> | <u>S.I.C.
Identification</u> |
|---|----------------------------------|
| Household Furniture Stores
(With Appliances and
Furnishings) | 6211 |
| Household Furniture Stores
(Without Appliances and
Furnishings) | 6212 |
| Furniture Refinishing and
Repair Shops | 6213 |
| Floor Covering Store | 6231 |

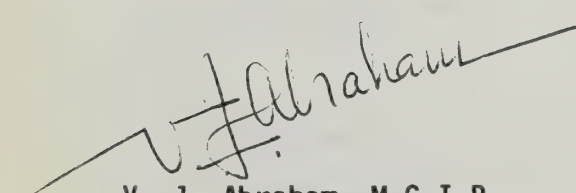
| | |
|--|------|
| Drapery Store | 6232 |
| Other Household Furnishings Store | 6239 |
| Lawn and Garden Centre | 6522 |
| Hardware Store | 6531 |
| Paint, Glass and Wallpaper Store | 6532 |
| Gift, Novelty and Souvenir Store | 6582 |
| Other Retail Store,
n.e.c. restricted to: | 6599 |
| 1. Picture framing, retail | |
| 2. Saunas, etc., retail | |
| 3. Swimming pools, retail | |
| Chartered Bank | 7021 |
| Trust Company | 7031 |
| Insurance and Real Estate Agency | 7611 |
| Other Business Service
n.e.c., restricted to: | 7799 |
| 1. Interior Designing Service | |

- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-59C be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59C for presentation to City Council;
- iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- v) That the approved Mountain Industrial Area Plan be amended by redesignating the subject lands from "RESTRICTED INDUSTRIAL" to "RESTRICTED INDUSTRIAL-COMMERCIAL".

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the established "M-14" (Prestige Industrial) District regulations for property located at Nos. 1120 and 1150 Stone Church Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit, in addition to the uses allowed under the "M-14" District, a "Home Design Centre" containing retail stores (e.g. floor coverings, drapery, paint and wallpaper, hardware, lawn and garden centre, furniture, kitchen cabinets, etc.), offices (e.g. interior design), and a bank.


V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Proposed Development

The applicant has requested a modification to the "M-14" (Prestige Industrial) District to permit the construction of two industrial/commercial buildings for use as a "Home Design Centre". The total gross floor area of the proposed buildings will be approximately 75,000 sq. ft., and will contain retail stores (e.g. kitchen cabinets, flooring, plumbing fixtures, furniture, etc.) offices (e.g. architect, interior design), and a bank.

● DA-88-111 and DA-88-113

On February 15, 1989, plans were approved for two one-storey commercial/warehouse buildings having a gross floor area of 3,521.5 m² each, on the subject lands. A minimum of 198 parking spaces and four commercial loading spaces are to be provided on the approved plans.

APPLICANT

Hamilton General Homes (1971) Ltd. and Multi-Area Developments Inc., owner.

LOT SIZE AND AREA

The subject property has approximately:

- 148 m (485 feet) of frontage on Stone Church Road East; and,
- 2.16 ha (5.34 ac.) of lot area.

LAND USE AND ZONING

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|------------------------------------|--|
| <u>Subject Lands</u> | Vacant | "M-14" (Prestige-Industrial) District. |
| <u>Surrounding Lands</u> | | |
| To the North | Single-family dwellings and vacant | "M-13" (Prestige-Industrial) District. |
| To the South | Vacant | "M-14" (Prestige-Industrial) District. |
| To the East | Vacant and Prestige Industrial | "M-14" (Prestige-Industrial) District, modified. |
| To the West | Vacant | "M-11" (Prestige-Industrial) District. |

OFFICIAL PLAN

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept of the Official Plan. The following policies, among others, apply:

- "2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities ...
- 2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually-managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile-borne trade. It consists of:
- ii) Larger-scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

- 2.2.16 While it is intended that any Commercial use be permitted within the EXTENDED COMMERCIAL category, it is also intended that retail uses requiring large enclosed or open storage areas such as, but not limited to, building supplies, warehouse outlets, catalogue stores serving domestic consumers, automotive sales, or other uses whose special nature of requirements of size, site and/or buildings are not conducive to location within Ribbon Commercial areas or Shopping Centres, be located within areas of similar large-scale Highway Commercial uses."

On the basis of the foregoing, the proposal complies with the intent of the Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated "RESTRICTED INDUSTRIAL" in the approved Mountain Industrial Area Plan. The proposal does not comply with the intent of the Plan. Approval of the application would require an amendment to redesignate the lands to "RESTRICTED INDUSTRIAL - COMMERCIAL".

RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objection:
 - The Hamilton Region Conservation Authority;
 - LACAC; and,
 - Traffic Department.
- The Building Department has advised as follows:

"(1) Loading - spaces are the proper size as indicated on the revised plans.

(2) Parking - this is a commercial development and must meet the requirements of a shopping centre. The number of cars required are 276. The number of cars indicated on the revised plans is 198. This will require a variance or a redesigned layout for 276 cars."
- The Hamilton-Wentworth Department of Engineering has advised as follows:

" . . . public watermains as well as sanitary/storm sewers are available to service the subject land.

In conjunction with this application, we have also reviewed Site Plan Control DA-88-111 and DA-88-113. Our previous comments on this site plan are attached and are still applicable to this zoning application." (see APPENDIX "B")

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal conflicts with the intent of the approved Mountain Industrial Area Plan. Approval of the application would require an amendment to the Plan to redesignate the lands from "RESTRICTED INDUSTRIAL" to "RESTRICTED INDUSTRIAL - COMMERCIAL".
3. The proposal has merit and can be supported for the following reasons:
 - the subject lands are suitably located in proximity to a major intersection (Stone Church Road East and Upper Ottawa Street);
 - it is no less feasible than other uses permitted as-of-right under the established "M-14" District (i.e. appliance, television, radio and stereo store; household furniture wholesale; floor coverings wholesale; paint, glass and wallpaper wholesale);
 - it implements the intent of the Official Plan which permits "larger-scaled 'Highway' commercial uses on deep lots, reliant on location readily accessible to private vehicles specifically coming to, and parking on, the premises to do business"; and,
 - it would be compatible with existing and future intended development in the surrounding area.
4. The Building Department has advised that approval of the application, as submitted, would require a variance to the approved Site Plans with respect to parking (see BACKGROUND DA-88-111 and DA-88-113). More specifically, 276 parking spaces are required, whereas 198 are provided on the approved plans. This variance results from the proposal being for all commercial uses, whereas the approved plans are for commercial-warehouse.

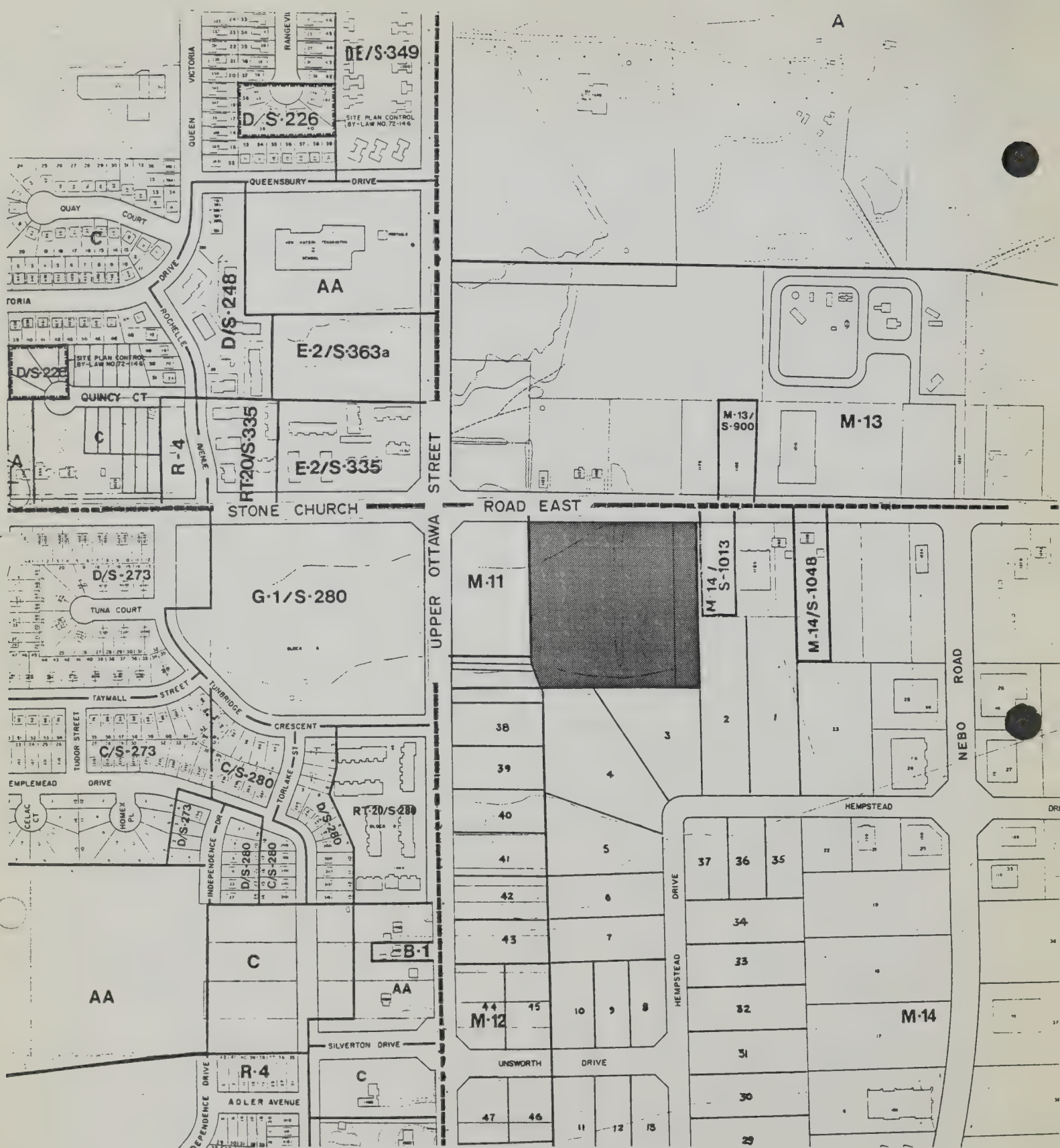
In this regard, the applicant's agent has advised that they will comply with By-law requirements. Accordingly, approval of the application would necessitate an application for a modified site plan.

CONCLUSION

On the basis of the foregoing, the application can be supported.

PDM/dkp

WP 0021P



LEGEND



SITE OF THE APPLICATION

APPENDIX "A"





THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

I.D. #0079D (58)

Refer to File No. E220-1809
Attention of T.L. Hearn
Your File No. DA-88-111
DA-88-113

November 3, 1988

TO: J. Sakala, Planning Department
FROM: K.A. Brenner, Planning Manager (Environmental)
Engineering Department
RE: Site Plan Control Application For Properties Located At
1120 and 1150 Stone Church Road East

In reply to your recent request, please note the following comments:

- we do not anticipate any further road allowance widenings at this time;
- any work within the road allowance as widened, must conform to the Region's Roads Use By-law;
- the location and design of the access(es) will be finalized by the City's Traffic Department, who are to issue an access permit prior to the construction of the approach driveway;
- all vegetation within a 3 X 3m daylight triangle at the access points should not exceed a mature height of 0.80m higher than the corresponding centre line elevation of the Stone Church Road road allowance;
- with respect to the grading, a red lined plan has been issued to the architect (Nov. 2) to assist with the necessary revisions to accesses, retaining wall, etc.

TLH:tlj

cc: J.D. Barnes Limited
Att: J. Morgante

via FAX # 572-9115

APPENDIX "B"

FOR ACTION

21.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 April 3
COMM FILE:
DEPT. FILE: ZA-89-02
Templemead
Neighbourhood

SUBJECT:

Request for a change in zoning - No. 1415 Upper Gage Avenue.

RECOMMENDATION

1. That approval be given to Amended Zoning Application 89-02, Vaughan Graham, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, modified to permit construction of two, two-family dwellings, for property located at No. 1415 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District;
 - ii) That the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:
 - a) That notwithstanding Section 10.(4)(ii) a minimum lot width of 15.0 m and a minimum lot area of 540 m² shall be provided and maintained for a two-family dwelling;
 - iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-49C be notated S- ;
 - iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49C for presentation to City Council;
 - v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and

- vi) That the approved Templemead Neighbourhood Plan be amended by redesignating the subject lands from "LOW DENSITY APARTMENTS" to "SINGLE AND DOUBLE" residential.
2. That the implementing By-law not be passed by Council until the applicant submits proof that he has provided the required road widening to the Region.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, modified for property located at No. 1415 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit development of the subject lands for two, two-family dwellings. In addition, the By-law provides for a variance to permit a minimum lot width of 15 m for a two family dwelling, whereas 18 m is required.



V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The applicant has amended the application and is now requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, modified to permit the construction of 2, two-family dwellings on property located at No. 1415 Upper Gage Avenue (see APPENDIX "A").

APPLICANT

Vaughan Graham, owner.

LOT SIZE AND AREA

- 30.437 m (99.859 ft.) of lot frontage on Upper Gage Avenue;
- 52.730 m (172.999 ft.) of lot depth; and,
- 1604.94 m² (17,275.995 sq.ft.) of lot area.

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|--------------------------|--------------------------|--|
| <u>SUBJECT LANDS</u> | Vacant | "C" (Urban Protected Residential, etc.) District |
| <u>SURROUNDING LANDS</u> | | |
| to the north | Semi-detached dwellings | "DE-3" (Multiple Dwellings) District, modified |
| to the south | Single-family dwelling | "C" (Urban Protected Residential, etc.) District |
| to the east | Single-family dwellings | "C" (Urban Protected Residential, etc.) District, and "C" (Urban Protected Residential, etc.) District modified |
| to the west | Single-family dwellings | "C" (Urban Protected Residential, etc.) District, and "L-mr-1" (Planned Development-Multiple Residential) District, modified |

OFFICIAL PLAN

Designated "RESIDENTIAL", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "LOW DENSITY APARTMENTS" on the approved Templemead Neighbourhood Plan. The proposal does not comply with the intent of the Plan. Approval of the application would involve redesignation of the subject lands to "SINGLE AND DOUBLE" residential.

COMMENTS RECEIVED

- The following agencies have no comment or objection:

- LACAC;
- Traffic Department; and
- Hamilton Region Conservation Authority.

- The Building Department has advised as follows:

"Each lot containing a two-family dwelling shall have a minimum lot width of 18.0 m and a lot area of 540 m². Therefore, a successful application with the Land Division Committee is required".

- The Engineering Department has advised as follows:

"Public watermains and separate storm and sanitary sewers are available to service the subject land.

As a condition of approval, we will recommend that Part M on Reference Plan 62R-4473 be dedicated to the Region for road widening purposes".

COMMENTS

1. The proposal complies with the Official Plan.
2. Approval of the application would require an amendment to the approved Templemead Neighbourhood Plan redesignating the subject lands from "LOW DENSITY APARTMENTS" to "SINGLE AND DOUBLE" residential.
3. The proposal has merit and can be supported for the following reasons:
 - it would be compatible with existing and future intended residential development in the surrounding area; and
 - two-family dwellings would be permitted under the appropriate zoning to implement the approved Neighbourhood Plan (Low Density Apartments). Accordingly, it would be proper to zone the lands under the "D" District which more appropriately reflects their intended use.
4. Approval of the application would require a modification to the "D" District regulations to reduce the required minimum lot width for a two-family dwelling from 18 m to 15 m. It should be noted, that a minimum lot width of 15 m, would be consistent with the requirement for the two-family dwellings on the adjoining lands to the north under the established "DE-3" District. Furthermore, the minimum lot area requirement (540 m²) would be maintained. Accordingly, the variance can be supported.

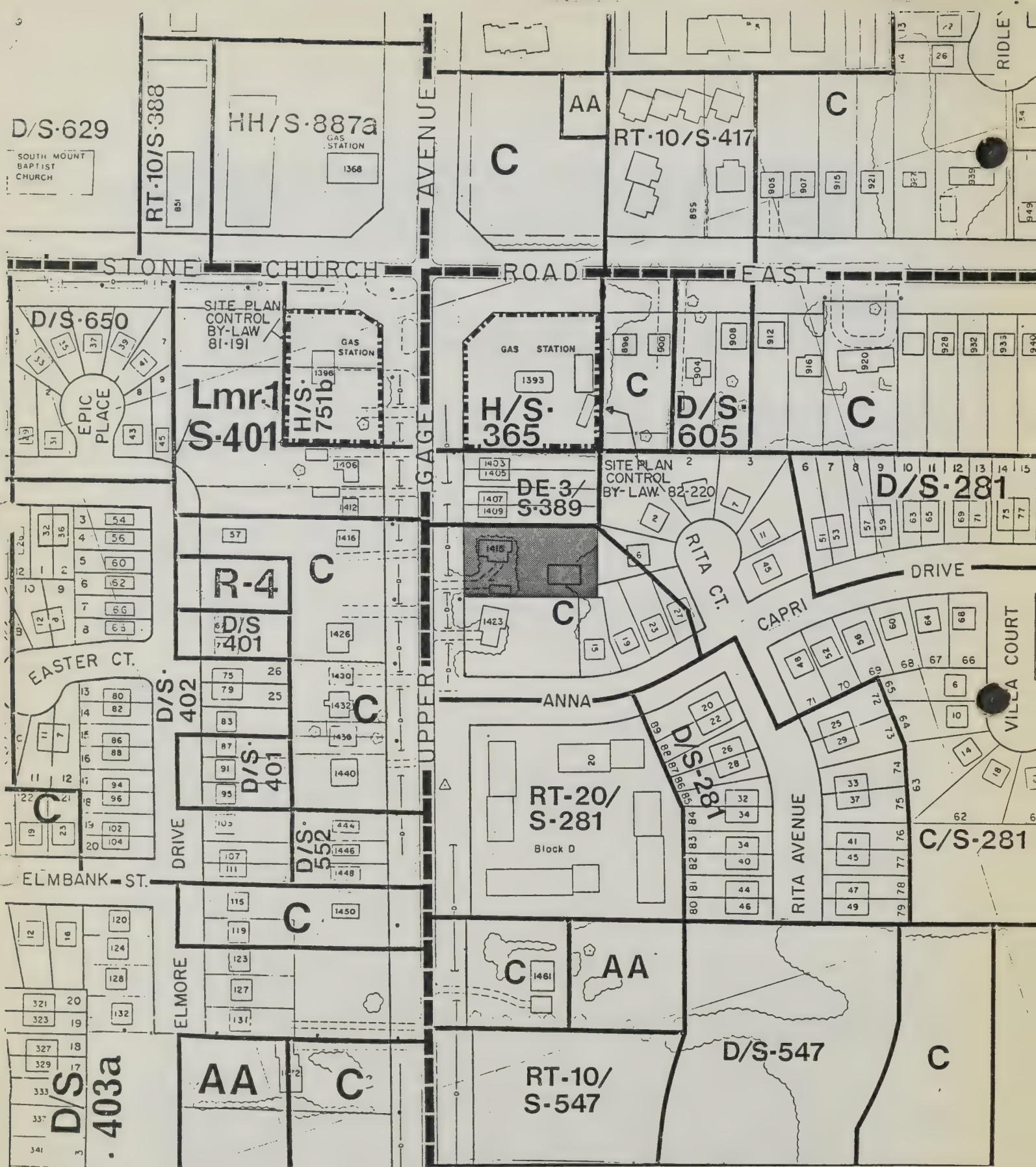
5. In keeping with the request of the Hamilton-Wentworth Department of Engineering, the approval of the implementing By-law should be held in abeyance pending the dedication of the required road widening to the Region.

CONCLUSION

On the basis of the foregoing, the application can be supported.

PDM/MPS:ma/dkp

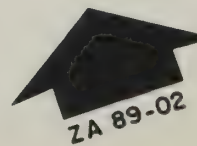
WP0372P



LEGEND



SITE OF THE APPLICATION



FOR ACTION

22.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 March 30
COMM FILE:
DEPT. FILE: ZA-88-127
Kennedy East
Neighbourhood

SUBJECT:

Request for a change in zoning - 18 Christie Street.

RECOMMENDATION

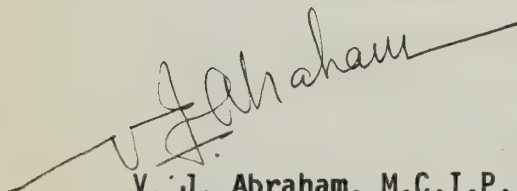
That approval be given to Zoning Application 88-127, S.G. Kemp, owner, for a change in zoning from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District for property at 18 Christie Street, as shown on the attached map marked as Appendix "A", on the following basis:

- i) That the subject lands be rezoned from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law 6593 and Zoning District Map W-9E for presentation to City Council; and;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District for property at 18 Christie Street, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to create four new building lots for single-family detached dwellings and retain the existing dwelling.


V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● Proposed Development

The applicant has requested a change in zoning from the "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District to permit the subdivision of the subject land into five single-family lots.

● Land Severance H-22-89 and H-23-89

At its meeting of January 24, 1989 the Land Division Committee approved applications No. H-22-89 and H-23-89 for consent to divide the subject property into five lots including one parcel that is occupied by an existing single-family dwelling. The land Division Committee granted approval of the applications subject to certain conditions which, amongst other things, required that the proponent submit proof of approval of any necessary Zoning Amendment.

●. Zoning Application 88-89

City Council at its meeting on January 10, 1989 dealt with a similar application for properties located at 66 and 70 Kennedy Avenue (i.e. east side of Christie Avenue across from the subject lands). Council on January 31, 1989 passed By-law 89-50 (now in effect) which rezoned 66 and 70 Kennedy Avenue from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District. The effect of By-law 89-50 was to divide the properties (i.e. 66 and 70 Kennedy Avenue) to create two new building lots for single-family detached dwellings fronting on Christie Street.

APPLICANT

S.G. Kemp, owner.

LOT SIZE AND AREA

- 60.96 m (200 ft.) of lot frontage on Christie Street;
- 31.24 m (102.5 ft.) of lot depth; and,
- 1903 m² (20,484 sq.ft.) of lot area.

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|----------------------|--------------------------|---|
| <u>SUBJECT LANDS</u> | single-family dwelling | "B" (Suburban Agricultural and Residential, etc) District |

SURROUNDING LANDS

| | | |
|--------------|------------------------|--|
| to the north | single-family dwelling | "C" (Urban Protected Residential, etc.) District, modified |
| to the south | single-family dwelling | "B" (Suburban Agricultural and Residential, etc.) District |
| to the west | single-family dwelling | "B" (Suburban Agricultural and Residential, etc.) District |
| to the east | single-family dwelling | "C" (Urban Protected Residential, etc.) District |

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated "Residential - Single and Double" on the approved Kennedy East Neighbourhood Plan, the proposal complies.

RESULTS OF CIRCULARIZATION

- The following agencies and Departments have no comments or objections:
 - Hamilton Region Conservation Authority;
 - LACAC; and
 - Traffic Department.
- The Building Department has advised as follows:

"The existing dwelling shall maintain a 4'-0" side yard from the new side lot line".
- The Hamilton-Wentworth Engineering Department has advised as follows:

"Please be advised that public watermains and separate storm and sanitary sewers are available to service the subject lands.

We do not anticipate any further road allowance widenings at this time.

Any works within the adjacent road allowances must conform to the City's Streets By-law.

According to our records, Christie Street is presently constructed to rural standards. We therefore, recommend that the applicant contact the City Public Works Department to determine the dimensions of culvert pipe required for the accesses to Christie Street".

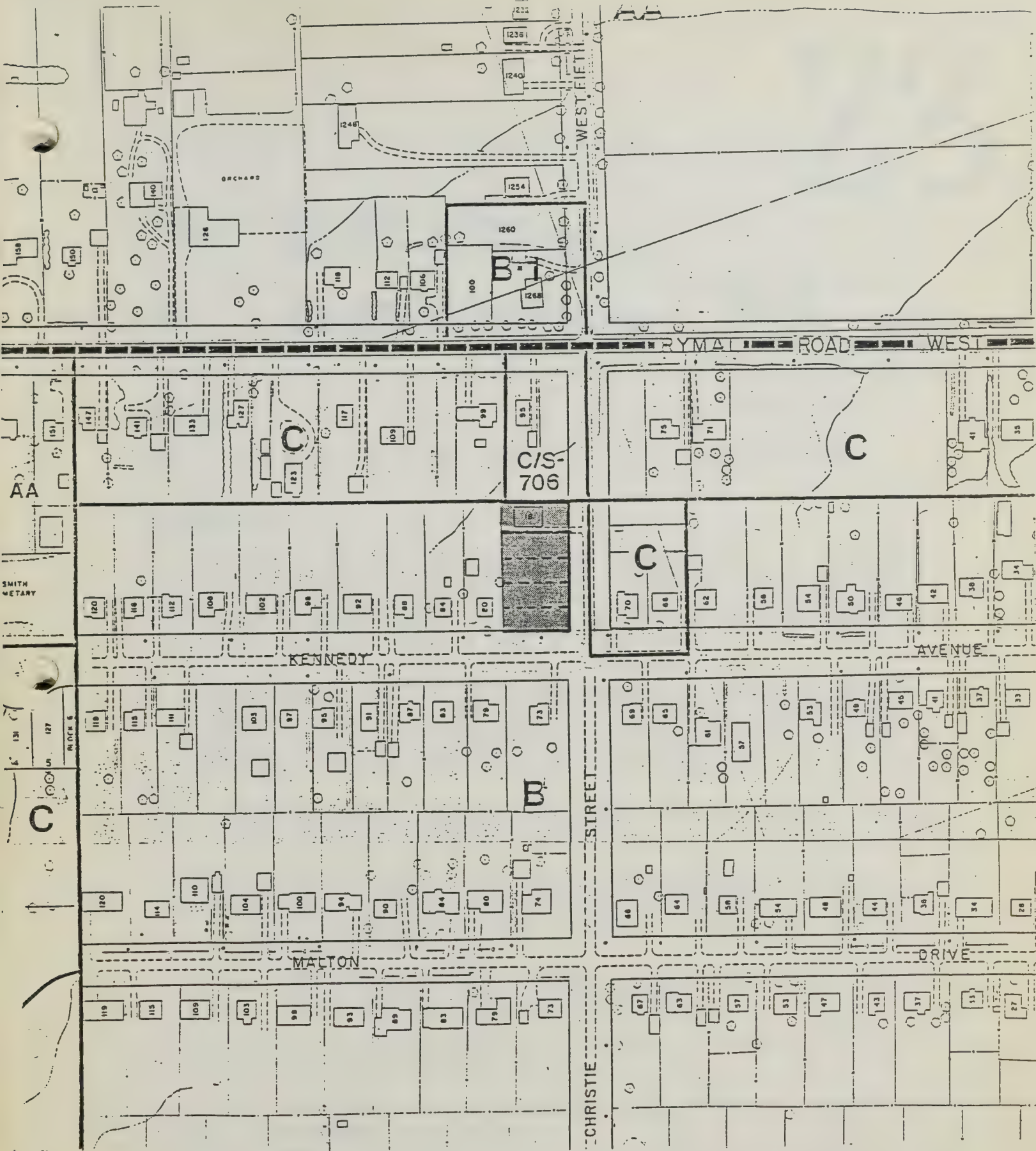
COMMENTS

1. The proposal complies with the Hamilton Official Plan.
2. The proposal complies with the approved Kennedy East Neighbourhood Plan.
3. The proposal can be supported for the following reasons:
 - i) it implements the intent of the Official Plan and approved Kennedy East Neighbourhood Plan;
 - ii) it would be compatible with existing single-family uses in the surrounding area;
 - iii) it would not adversely impact the established land uses in the area; and,
 - iv) it would be consistent with the "C" District zoning to the east and north.
4. The applicant should be aware that the existing dwelling unit on the subject lands must maintain a minimum of 1.2 m (4 ft.) setback from the new southerly side lot line.

CONCLUSION

On the basis of the foregoing, the application can be supported.

HY/ma
WP0117P



Legend



Site of the Application



FOR ACTION

23.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 April 5
COMM FILE:
DEPT. FILE: ZA-88-109
Kernighan
Neighbourhood

SUBJECT:

APR 6 1989

Request for a change in zoning - Rear of No. 1200 Upper James Street.

RECOMMENDATION

- a) That approval be given to Official Plan Amendment No. to redesignate the subject lands from "RESIDENTIAL" to "COMMERCIAL" and to extend the boundary of Special Policy Area 31, and that the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- b) That approval be given to Zoning Application 88-109, John Bear Pontiac Buick, owner, requesting a change in zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District modified, for property located at the rear of No. 1200 Upper James Street, shown on the attached map marked as Appendix "A", on the following basis:
 - i) That the subject lands be rezoned from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District;
 - ii) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-law 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:
 - a) That a minimum 9.0 m wide planting strip shall be provided and maintained along the westerly lot line.
 - iii) That By-law 79-255 passed by City Council on August 28, 1979 be modified on the following basis:
 - a) That Section 2 be deleted and subsequent Sections be modified and renumbered accordingly.
 - iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-9B be notated S- ;

- v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and District Map W-9B for presentation to City Council; and,
- vi) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.
- c) That the By-law not be passed until after the applicant has applied for and received Site Plan Control approval, and provided proof that half of the proposed road allowance located within the subject lands has been deeded to the City of Hamilton.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District for property located at the rear of 1200 Upper James Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit an extension of the existing parking lot at the rear of the subject lands in conjunction with the established automobile dealership, and require a minimum 9.0 m wide planting strip along the westerly lot line.

In addition, the proposed By-law will also modify By-law 79-255 to delete the 3 m landscaped area within the existing parking lot, since it is no longer required.



V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

APPLICANT

John Bear Pontiac Buick Ltd, Lessee.

BACKGROUND

o Proposal

The applicant proposes to extend the existing parking area at the rear of 1200 Upper James Street which would be used in conjunction with the established automobile dealership at this site. In this regard, the applicant has requested a change in zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District.

- By-law 84-217

City Council on October 9, 1984 passed By-law 84-217 to permit an automobile body repair and paint shop in conjunction with the established automobile dealership. In addition, the said By-law also allowed the erection of an additional business identification sign.

- By-law 79-255

City Council on August 28, 1979 passed By-law 79-255 to rezone a portion of lands at the rear of 1188 and 1208 Upper James (now 1200 Upper James Street) from "AA" (Agricultural) to "G-3" (Public Parking Lots) to allow a parking lot in conjunction with the automobile dealership located at the front portion of the lands along Upper James Street. By-law 79-255 also required that 3 m (10ft.) landscaped area be provided along the westerly lot line.

LOT SIZE AND AREA

The subject lands are located at the rear of 1200 Upper James Street and have an area of approximately 0.4 ha (1.0 acre).

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|--------------------------|--------------------------|--|
| <u>SUBJECT LANDS</u> | vacant | "AA" (Agricultural) |
| <u>SURROUNDING LANDS</u> | | |
| to the north | vacant and parking lot | "AA" (Agricultural) District and "G-3" (Public Parking Lots) |
| to the south | cemetery and vacant | "AA" (Agricultural) District |
| to the east | parking lot | "G-3" (Public Parking Lots) District, modified |
| to the west | vacant | "AA" (Agricultural) District |

OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The proposed extension of the existing parking lot is not permitted within the "RESIDENTIAL" designation.

The proposal does not comply with the Official Plan. Consequently, an amendment would be required to redesignate the subject lands from "RESIDENTIAL" to "COMMERCIAL". Furthermore, the boundary of Special Policy Area 31 should be extended to include the subject lands.

NEIGHBOURHOOD PLAN

The subject lands are designated "Commercial" in the approved Kernighan Neighbourhood Plan. In this regard, the proposal complies provided that the following requirements are fully satisfied:

- a planting strip having a minimum width of 9.0 m (30 ft.) to be provided along the westerly lot line; and
- the owner dedicate half of the proposed road allowance located at the rear of the subject lands, to the City.

RESULTS OF CIRCULARIZATION

- The following agency and Department have no objection or comment:
 - Hamilton Region Conservation Authority; and,
 - Traffic Department.
- The Building Department has advised that:

"All conditions of Section 18(3)(ivc) will apply to the lands adjoining residential districts (e.g. landscaping, visual barrier, lighting, etc.)"
- The Hamilton-Wentworth Engineering Department has advised that:

"Please be advised that public watermains are available to service the subject lands. Sewers are not available at this time.

According to the Approved Kernighan Neighbourhood Plan, it appears that the rear of the subject lands will be required for the internal neighbourhood street pattern. We therefore, recommend that these rear lands be developed through site plan control and that the internal street portion of the subject lands be transferred to the City as a condition of development approval. Any municipal cost recovery should be determined at this time. Consequently, the existing retention pond may have to be relocated."

COMMENTS

1. The proposal does not comply with the intent of the Official Plan. Approval of the application would necessitate an amendment to redesignate the subject lands from "RESIDENTIAL" to "COMMERCIAL", and incorporate the lands into Special Policy Area 31.
2. The proposal complies with the approved Kernighan Neighbourhood Plan subject to the following requirements:
 - a planting strip having a width of at least 9.0 m (30 ft.) to be provided along the westerly lot line; and,
 - the dedication of half the proposed road allowance located adjacent to the westerly lot line to the City.

3. The proposal has merit and can be supported for the following reasons:
 - it implements the intent of the approved Kernighan Neighbourhood Plan provided that the requirements as specified in 2 above are met;
 - it would be compatible with existing uses in the surrounding area; and,
 - it represents an extension of an established commercial use.
4. By-law 79-255 requires that a landscaped area of at least 3 m (10 ft.) in width shall be provided and maintained along the west lot line of the existing parking lot. Given that the parking lot will be extended further west, this landscaped area is no longer necessary and must be removed, partially or otherwise to allow access into the new parking lot area. On this basis, By-law 79-255 should be modified to delete any reference to the 3 m (10 ft.) landscaped area, as a requirement.
5. It should be noted that the "G-3" (Public Parking Lots) District is designated as a Site Plan Control Area. Therefore, the applicant must enter into a Site Plan Agreement with the City, respecting landscaping, fencing, planting strip, etc.

In addition, the owner should dedicate the required portion of the proposed road allowance at the rear of the subject lands to the City prior to any rezoning approvals.

6. The Department of Engineering has advised that the existing retention pond on the subject lands may have to be relocated.

CONCLUSION

On the basis of the foregoing, the application can be supported.

HY/ma
WP0217P

230

April 2nd 1989

831 West 5th Street
Hamilton, Ontario
L9C 5R4.

ZA88-109

APR 5 1989

Dear Sir / Madam,

We are writing to you in response to your information regarding John Beal's application for a zoning amendment. Please listen carefully to us because we live directly behind Mr Beal's auto dealership.

We are opposed to this amendment. The following is a list of our reasons why.

- ① The lights and noise level in this area are already too bright and too loud. An extension to his parking lot will make this situation even worse.
- ② There is already a large hole dug at the back of his lot which is not properly cared for. It is filled with water and garbage such as old tires and spray cans which are environmentally unsafe. It attracts flies and mosquitoes in the summer. We are opposed to allowing anyone who is this irresponsible, a chance to further extend his land.
- ③ The lot is too close to us already. We don't want a commercial property that close to our residential area. It will leave less land available for future residential development.

- ④ If the land will be used as a parking lot, there will be more exhaust fumes and air pollution.
- ⑤ The parking lot will have to be fenced in if development takes place in this block. It will look unattractive and unsightly and may lead to lower property values in the residential section.

We know that Mr Bear is a wealthy businessman who is a prime source of revenue for the municipal government. But we are also taxpayers. We have been residents of this area for 22 years and have been paying taxes for every one of those years. Therefore we too should be listened to and heard!

Sincerely,

The Ronalds Family
389-9584.

145 ARKELL ST

FEB 11/89

2Aa.

Dear Sir:

Our street had been continually cluttered with cars of M. Master students and others not living here.

With a complaint to Alderman Mary Kiss, we had this changed to restricted parking - 3 hours - 8:00 AM to 6:00 PM.

Our only concern with this school is: you will have 230 students plus 9 apt. units. but you only have 57 parking spaces.

Aside from the above, we have no objection to this zone change.

Sincerely,

H. M. Lee

FEB 21 1989

SONAN DEVELOPMENTS LIMITED

847 GLENWOOD AVE. - BURLINGTON, ONT. L7T 2J8

12 PM
GW:rw

Feb. 14, 2A b.

Re file no 2A-88-65

Dear Sir. -

We object to the proposed application for the subject property. The information submitted with the application is incorrect as it indicates that the zoning permits multiple residential dwellings which is not so. I understand that it has been postponed from the February 15 meeting and I would appreciate being notified of any further developments.

Yours truly,

D. Cockett

(1070 Main West
Hamilton.)

" Copy sent to Alderman M. Kiss, Mr. V. Abraham,
Director of Local Planning - 1989 February 28"

B. FINKELSTEIN, M.D., C.M.
49 DOW AVENUE
HAMILTON, ONTARIO

February 24th,

24c.

Mrs. Susan Reeder,
Secretary of the Planning Committee,
and to all Members of City Council,
City Hall, Hamilton, Ont.

Dear Mrs. Reeder:

Re: Application File ZA-88-65
1033 Main St. West

With reference to the application of C. Chan, J. Chan and P. Kan, owners, for a modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations for the above property, we wish to express our serious objection to this proposed change.

Since we will be out of the city for the month of March and will therefore be unable to attend any public meeting with reference to this application during this period of time, we wish to set forth in writing the reasons for our objection:

a) The proposed residence for 230 students requires, according to our municipal statutes, 1 parking space for each 2 persons, which equals 115 spaces,
- the proposed 9 apartments for the "Dons" requires 1.33 spaces per apartment = 12 spaces,
- the proposed 16 class-rooms of the commercial school requires 6 spaces per class-room= 96 spaces.
- this adds up to a total of 233 spaces for parking, whereas the application proposes parking for 57 cars.

b) The proponents for this modified property class may suggest that few of the students will have cars. However the proposed commercial school will be teaching only Grades 11, 12 and 13,- therefore one must assume that the majority of the students will be 16 years of age and older, all of them of an age to be able to obtain a driving licence.

c) We must assume that the number of residents in this proposed School Residence/Multiple Dwelling is of a density far beyond that which is allowed by our statutes, thereby introducing a question of safety.

B. FINKELSTEIN, M.D., C.M.

49 DOW AVENUE

HAMILTON, ONTARIO

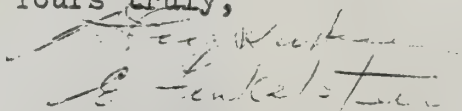
2.

d) The magnified volume of traffic into and out of this property both day and night would also present a hazard at this very heavily trafficked intersection.

e) The excess of parking that will be required must without question find space in the streets (all residential) closest to the property and may readily spill over to the empty spaces behind our properties on Dow Avenue. Our properties, all of which are very highly taxed simply cannot tolerate any devaluating encroachment.

We are requesting that copies of this letter be distributed to all members of City Council and also that it be read out at the public meeting of February 28th, 1989, as our voice of objection.

Yours truly,



Ben Finkelstein M.D., C.M.
Eve Finkelstein

FOR ACTION

25

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 April 6
COMM FILE:
DEPT. FILE: ZA-88-134
Sherwood
Neighbourhood

SUBJECT:

Request for changes and modifications in zoning - Nos. 1117-1119 Fennell Avenue East.

RECOMMENDATION

- a) That Zoning Application 88-134, Ankam Properties, Ltd., owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified (Block - 1), from "G-3" (Public Parking Lots) District to "H" (Community Shopping and Commercial, etc.) District modified (Block-2), and for further modifications to the established "H" (Community Shopping and Commercial, etc.) District (Block-3), and the "G-3" (Public Parking Lots) District (Block-4), to permit construction of a 2 storey building for the Sherwood Branch Library (Blocks 1 & 2), to permit additions to the shopping plaza (Block-3), and to delete required landscaping & fencing (Block-4) for property located at No. 1117 to 1119 Fennell Avenue East, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reason:
 - i) The proposed library use is permitted as-of-right under the "C" (Urban Protected Residential, etc.) District regulations. Accordingly, it is unnecessary and would be inappropriate to rezone the lands "H" Commercial, in that such zoning could be considered as a commitment to future commercial development of the lands (Blocks "1" and "2").
- b) That approval be given to an amended Zoning Application 88-134, Ankam Properties Ltd., owner, for a change in zoning from "G-3" (Public Parking Lots) District to "C" (Urban Protected Residential, etc.) District modified (Block-2), for a modification to the established "C" (Urban Protected Residential, etc.) District (Block-1), and for further modifications to the established "H" (Community Shopping and Commercial, etc.) District (Block-3) and "G-3" (Public Parking Lots) District (Block-4), to permit construction of a 2 storey building for the Sherwood Branch Library (Blocks 1 & 2), to permit additions to the shopping plaza (Block-3), and to delete required landscaping & fencing on (Block-4), for property located at No. 1117 to 1119 Fennell Avenue East, as shown on the attached map marked as APPENDIX "B", on the following basis:
 - i) That the lands shown as Block "2" be rezoned from "G-3" (Public Parking Lots) District to "C" (Urban Protected Residential, etc.) District;

- ii) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands shown as Blocks "1" and "2", be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 9.(3) the following yards shall be provided and maintained:
 - 1. a front yard of a depth of at least 6.0 m from Upper Ottawa Street;
 - 2. a side yard of a width of at least 6.0 m along the northerly lot line;
 - 3. a rear yard of a depth of at least 4.5 m along the easterly lot line;
 - b) That a minimum 6.0 m wide landscaped area shall be provided and maintained along the westerly front lot line and the northerly side lot line;
 - c) That a minimum 4.5 m wide landscaped area shall be provided and maintained along the easterly rear lot line;
 - d) That a visual barrier not less than 1.2 m and not greater than 2.0 m in height shall be provided and maintained along the northerly side lot line;
- iii) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, as amended by By-laws 78-271, 79-263, 82-97 and 87-107, applicable to the lands shown as Block "3", be further amended to include the following variances as special requirements:
 - a) That notwithstanding Section 14.(5) of By-law 6593 a maximum gross floor area of 8,858 m² (95,340 sq.ft.) shall be permitted;
 - b) That notwithstanding TABLE 1 of Section 18A of By-law No. 6593 a minimum of 223 parking spaces shall be provided and maintained;
- iv) That By-law No. 80-272 applicable to the lands shown as Blocks "2" and "4" be amended as follows:
 - a) That Sections 2.1 and 2.2 be amended by deleting the phrase "and westerly lot lines" and substituting "lot line" therefor;
 - b) That the subsequent sections be appropriately amended;
- v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-606c, and that the subject lands on Zoning District Map E-57 be notated S-606c;

- vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-57 for presentation to City Council;
 - vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. That Schedule "B" to By-law No. 79-275, as amended by By-law 87-223, respecting Site Plan Control, be further amended by adding the lands shown as Blocks "1", "2" and "3" on the attached APPENDIX "B" thereto.

EXPLANATORY NOTE

The purpose of the By-law is to provide for changes and modifications in zoning for lands located at NO. 1117-1119 Fennell Avenue East, as shown on the attached map marked as APPENDIX "B", on the following basis:

- Block 2 - Change in zoning from "G-3" (Public Parking Lots) District, modified, to "C" (Urban Protected Residential, etc.) District, modified.
- Block 3 - Further modification to the "H" (Community Shopping and Commercial, etc.) District.
- Block 4 - Further modification to the "G-3" (Public Parking Lots) District.

The effect of the proposed changes is to allow the following redevelopment of the subject plaza:

- Blocks 1 & 2 - Construction of a 2-storey building for the Sherwood Branch Library.
- Block 3 - To enclose an open area of 4,890 sq.ft. under the 2nd level in the north-east part of the plaza, and to permit the construction of an addition having 2,300 sq.ft. to the west of the plaza building.
- Block 4 - To remove the existing fence along the westerly boundary of the parking lot.

In addition, the By-law provides for the following variances and special requirements:

- Block 1 - to require a minimum 6.0 m front yard and landscaped area adjacent to Upper Ottawa Street;
- to require a minimum 6.0 m wide side yard and landscaped area along the northerly lot line;
- to require a minimum 4.5 m rear yard and landscaped area along the easterly lot line; and

- to require the provision of a 1.2 m to 2.0 m high visual barrier along the northerly lot line.
- Block 2 - to eliminate the requirement for a landscaped area and visual barrier along the westerly lot line.
- Block 3 - to allow a total gross floor area of 95,340 square feet, whereas a total of 93,295 square feet is permitted;
- to require a minimum of 223 parking spaces, whereas 257 are required under the established Site Plan By-law.

In addition, the lands shown as Blocks "1", "2" and "3" have been placed under Site Plan Control.


V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

It is the applicant's intention to rezone Blocks "1" and "2", as shown on the attached map marked as APPENDIX "A", to "H" (Community Shopping and Commercial, etc.) District, modified to permit construction of a 2 storey building to house the Sherwood Branch Public Library. In addition, the applicant requests a further modification to the established "H" (Community Shopping and Commercial, etc.) District regulations to permit a 7,300 sq.ft. expansion to the shopping plaza (Block "3"). The construction of the library will require a change in zoning of Block "2" from "G-3" (Public Parking Lots) District to "H" (Community Shopping and Commercial, etc.) District to accommodate the public library use.

- By-law 78-271

By-law 78-271 was passed by City Council on October 10, 1978 and rezoned the most easterly portion of the site from "B" (Suburban Agriculture and Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District to permit expansion of the commercial plaza.

- By-law 79-263

By-law 79-263 was passed by City Council on September 11, 1979 and amended By-law 78-271 by incorporating an approved site plan for the development as Schedule "B".

- By-law 80-272

By-law 80-272 was passed by City Council on October 14, 1980 and rezoned abutting lands to the north from "B" (Suburban Agricultural - Residential) District to "G-3" (Public Parking Lots) District to permit additional parking facilities (100 spaces) to be used in conjunction with the subject shopping plaza.

- By-law 82-97

By-law 82-97 was passed by City Council on April 27, 1982 to correct a textual error in By-law 79-263.

- By-law 87-107

By-law 87-107 was passed by City Council on April 14, 1987 to amend the "H" (Community Shopping and Commercial, etc.) District regulations to permit an outdoor patio on the site.

- Committee of Adjustment Applications

In addition, a number of variances have been approved by the Committee of Adjustment (i.e. A-80-221, A-81-41, A-81-185 & A-85-38) respecting minor additions, increased gross floor area, setbacks, etc.

APPLICANT

Ankam Properties Ltd., owner.

LOT SIZE AND AREA

The site in question is located at the north-east corner of Upper Ottawa Street and Fennell Avenue East, and has an area of approximately 2.02 ha.

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|--------------------------|---------------------------------|--|
| <u>SUBJECT LANDS</u> | Shopping centre and vacant land | "C" (Urban Protected Residential, etc.) District, "H" (Community Shopping and Commercial, etc.) District modified and "G-3" (Public Parkway Lots) District |
| <u>SURROUNDING LANDS</u> | | |
| to the north | single-family dwellings | "C" (Urban Protected Residential, etc.) District |
| to the south | commercial | "H" (Community Shopping and Commercial, etc.) District |
| to the east | apartments | "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified |

to the west

single-family
dwellings and
commercial

"C" (Urban Protected
Residential, etc.) District,
"G-3" (Public Parking Lots)
District and "H" (Community
Shopping & Commercial, etc.)
District, modified

OFFICIAL PLAN

Designated "Commercial" on Schedule "A" - Land Use Concept of the Official Plan and is subject to, among others, the following policies:

"A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:

- i) Institutional Uses, regardless of site area and in accordance with the provisions of Subsection A.2.6 of this plan".

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

A neighbourhood plan is not available for this area of the city.

COMMENTS RECEIVED

- The Building Department has advised that:

- "1. Committee of Adjustment application A-81-41 granted an increased gross floor area of 93,070 square feet, and application A-81-185 granted a further gross floor area increase to 93,295 square feet.
2. The elevation addition is not shown on the site plan.
3. The gross floor area is incorrect for the existing Building "D" (three storeys).
4. The existing second floor and stairway of the northerly portion of Building "D" have no gross floor area indicated.
5. The mezzanine of Building "B" has no gross floor area indicated and the area has not been included in the previously approved total gross floor area.
6. The areas of the two proposed retail additions do not total 7,300 square feet as indicated in the calculation.

7. Based on the site plan and Schedule "B" of By-law 79-263, as amended by By-law 82-97 and 89-107, the proposed development requires a minimum 456 parking spaces and three (18.0 m x 3.7 m x 4.3 m) loading spaces. These requirements may be changed after verification of the previous items have been received.
8. The access driveways adjacent to the three loading spaces shall have a minimum width of 5.5 m.
9. The parking layout shall indicate the size of the parking spaces, manoeuvring spaces, and access driveways. It appears that there may not be as many parking spaces as indicated (e.g. the outdoor patio area for a portion of Building "C" is not indicated and may affect the number of parking spaces).
10. The egress ramp to the parking area adjacent to the residential district to the east shall be a minimum distance of 4.5 m as approved by Committee of Adjustment application A-80-221.
11. The proposed ground sign shall provide a minimum 6.0 m setback from the street line of Upper Ottawa Street.
12. The proposed Block 4 change of Zoning from "G-3" district to "H" district shall be a minimum width of 7.5 m instead of 7.0 m as indicated in your memorandum of January 6, 1989.
13. The westerly line of the "G-3" district shall provide and maintain a 6.0 m wide landscaped area and a closed fence having a height of not less than 1.2 m and not more than 2.0 m as referred to a special requirement of By-law 80-272.
14. A visual barrier along the easterly boundary of the lot having a height of not less than 1.2 m and not more than 2.0 m shall be provided and maintained".

As a follow-up to the above comments the Building Department in discussion with the applicants architect have verified the following:

"Building "D" basement area appears to be cellar area, therefore is not required to be included in G.F.A. Revised G.F.A. existing included; Existing Building "B" Mezzanine area is 88,040 sq.ft. + proposed retail floor area 7,300 sq.ft. = 95,340 sq.ft; Total proposed G.F.A. for parking requirements: Library 11,370 sq.ft. does not require parking; 95,340 sq.ft. = 8,857.09 m² requires 409 parking spaces.

Required loading spaces - 3 large spaces.

Lot area in "H" zone Block 1 & 2 = 1,143.00 m²
Block 3 = 15,534.73 m²

Total = 16,677.73 m²

Lot area in "G-3" zone Block 4 = 3691.13 m²

Total G.F.A. of proposed redevelopment is 106,710 sq.ft.

Item 13 still outstanding".

- The Traffic Department has advised that:

"The application to permit expansion of the existing floor area and a new library building is satisfactory.

However, we recommend that prior to including any additional variances to the Zoning By-law the applicant provide a detailed proposal indicating total floor areas by the various types of existing uses (i.e. office space, retail, assembly areas)".

- The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains, as well as sanitary and storm sewers, are available to service the subject land.

For the information of the applicant, the designated road allowance widths of Fennell Avenue and Upper Ottawa Street is 26.21 m (86 feet). The only widening required at this time is a 9.2 m x 9.2 m daylight triangle at the widened north-east angle of the intersection, and this recommendation will be a condition of development approval.

The applicant may wish to confer with our staff with respect to the future widening, reconstruction, landscaping, raised concrete medians and other such items prior to submitting detailed site plans. Further details will be specified at the site plan stage.

The applicant is also advised that a paving agreement with the Region will be required for the paving stones within the Upper Ottawa Street road allowance".

- The Hamilton Region Conservation Authority and The Local Architectural Conservation Advisory Committee Staff have no comments or objections.

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal to rezone Blocks "1" & "2" from "C" (Urban protected Residential, etc.) District and "G-3" (Public Parking Lots) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit a public library branch at this location cannot be supported for the following reasons:
 - the proposed library use is permitted as-of-right under the "C" (Urban Protected Residential, etc.) District regulations. Accordingly, it is unnecessary and would be inappropriate to rezone the lands "H" Commercial, in that such zoning could be considered as a commitment to future commercial development on the lands (Blocks 1 and 2).

It should be noted that the library does not require any parking, whereas any future commercial use would. In this regard, any future change of use under a "C" District zoning could be properly evaluated without being prejudiced by established commercial zoning.

3. Consideration can be given to an amended zoning application which provides for the retention of the "C" (Urban Protected Residential, etc.) District zoning on Block "1", and the rezoning of Block "2" from "G-3" (Public Parking Lots) District to "C" (Urban Protected Residential, etc.) District, thereby providing uniform zoning of the entire library site.

Approval of the application on this basis would maintain land use compatibility at this location on Upper Ottawa Street because:

- the public library use represents a transition type use, and would function as a buffer between the established residential development to the north and the shopping plaza to the south;
 - it is a needed community facility which has outgrown its present location at No. 1104 Fennell Avenue East;
 - the citizens in this area have expressed their desire to permit the library use at this location, provided that the lands remain residentially zoned;
 - off-site parking is not required for the public library use, however, adequate parking will be provided on a shared basis with the shopping plaza development.
4. The Building Department has advised that approval of the application would require variances with respect to the maximum permitted gross floor area, and parking for the commercial component (Block "3"), as set out on Schedule "B" of By-law 78-271, as amended by By-law 79-263, 82-97 and 87-108, as follows:
- to permit an increase in the maximum permitted gross floor area from 93,295 sq.ft. to 95,340 sq.ft.
 - to revise the parking and loading layout on the site plan;
 - to specify the total revised number of parking spaces (223 parking spaces);
 - to specify changes to the building envelope.

The proposed increase in the maximum permitted gross floor area and reduction in parking within the "H" District (Block "3"), can be supported for the following reasons:

- The expansion of the plaza by an additional 7,300 sq.ft. represents an infill situation, is minor in nature, and maintains the basic configuration of the existing building.

- Technically, a minimum of 409 parking spaces are required for the plaza, including the proposed 7,300 sq.ft. addition, based on current By-law standards.

However, it should be noted that only 257 spaces are required for the existing plaza in accordance with Schedule "B" of site plan by-law 79-263, as amended, which permits a total gross floor area of 93,295 sq.ft.

In this regard, the proposed expansion of the plaza would only increase the total gross floor area by 2,045 sq.ft. (95,340-93,295) which would effectively require an additional 12 spaces ($190 \text{ m}^2 / 17 \text{ m}^2 = 12$) for a total of 269 spaces (257 + 12), whereas only 223 are proposed.

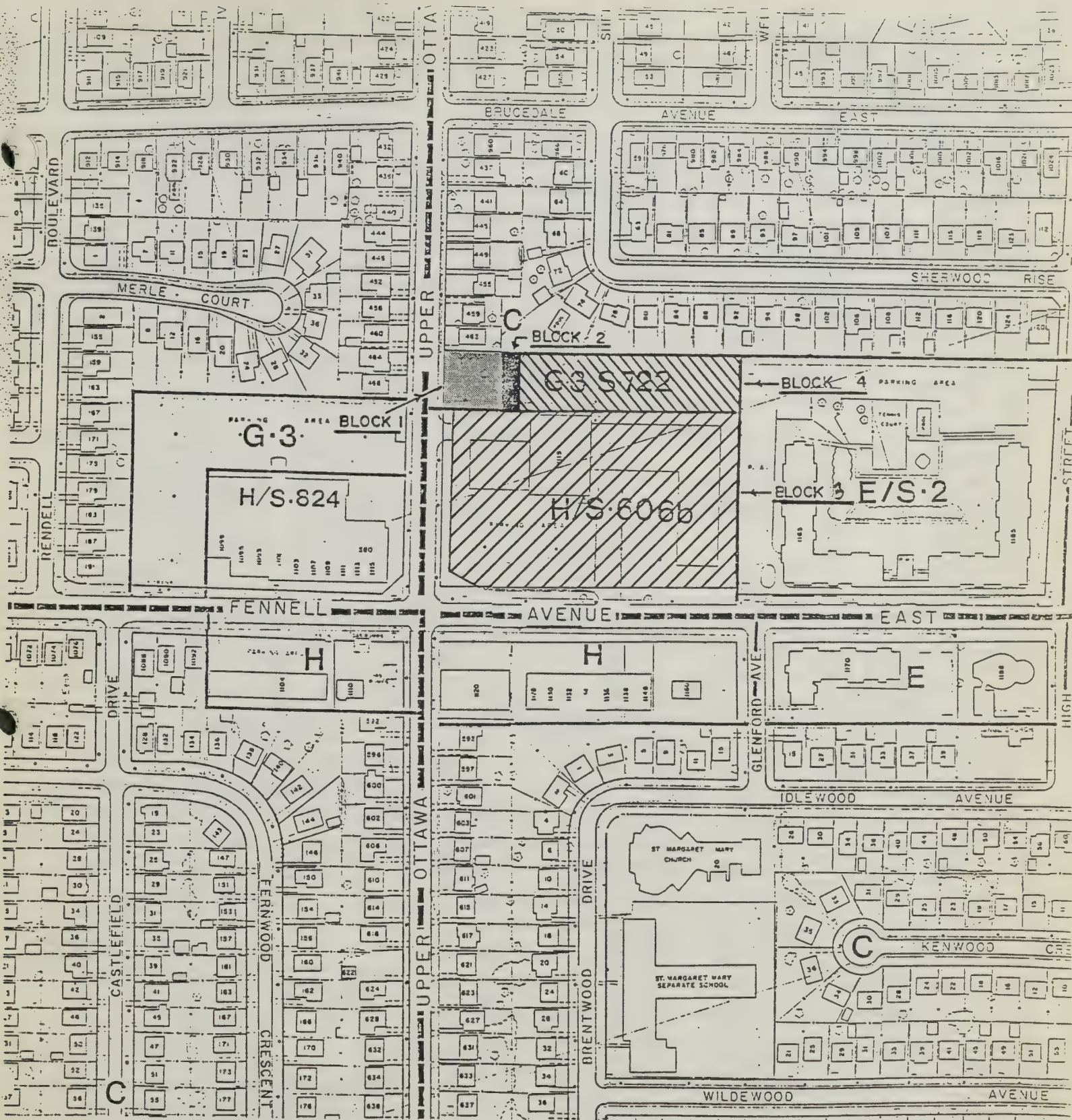
Considering that the applicant owns the adjoining "G-3" (Public Parking Lots) zoned lands to the north (Block "4"), which provides an additional 100 spaces, the variance is considered minor in nature and can be supported.

5. The amended By-law should provide for a minimum front yard and landscaped area of 6.0 m, a northerly side yard and landscaped area of 6.0 m, a minimum rear yard and landscaped area of 4.5 m, as proposed. In addition, a visual barrier not less than 1.2 in height and not greater than 2.0 m in height, should be provided and maintained along the northerly side yard to mitigate the potential impact of the proposed library on adjoining residential development.
6. Regarding the modification to the established "G-3" (Public Parkings Lots) District (Block "4"), the proposal makes the required 6.0 m wide landscaped area and the required 1.2 m high to 2.0 m high closed fence along the westerly lot line of the "G-3" District redundant. Accordingly, Section 2.1 and 2.2 of By-law No. 80-272 should be deleted.
7. The library site (Blocks "1" and "2") and the plaza (Block "3") should be made subject to Site Plan Control, thereby allowing for the review of plans respecting landscaping, parking, etc. It should be noted that the plaza is presently subject to a site plan by-law, but not Site Plan Control.

CONCLUSION

On the basis of the foregoing, the application as submitted cannot be supported. However, consideration can be given to an amended application which provides for a library use on the lands marked as Block "1" & "2" under a "C" modified zoning.

GAW/ma
WPO420P



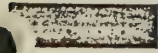
LEGEND

BLOCK 1



CHANGE IN ZONING FROM "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "H" (COMMUNITY SHOPPING AND COMMERCIAL, ETC.) DISTRICT, MODIFIED.

BLOCK 2

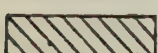


CHANGE IN ZONING FROM "G-3" (PUBLIC PARKING LOTS) DISTRICT, MODIFIED, TO "H" (COMMUNITY SHOPPING AND COMMERCIAL, ETC.) DISTRICT, MODIFIED.

BLOCK 3

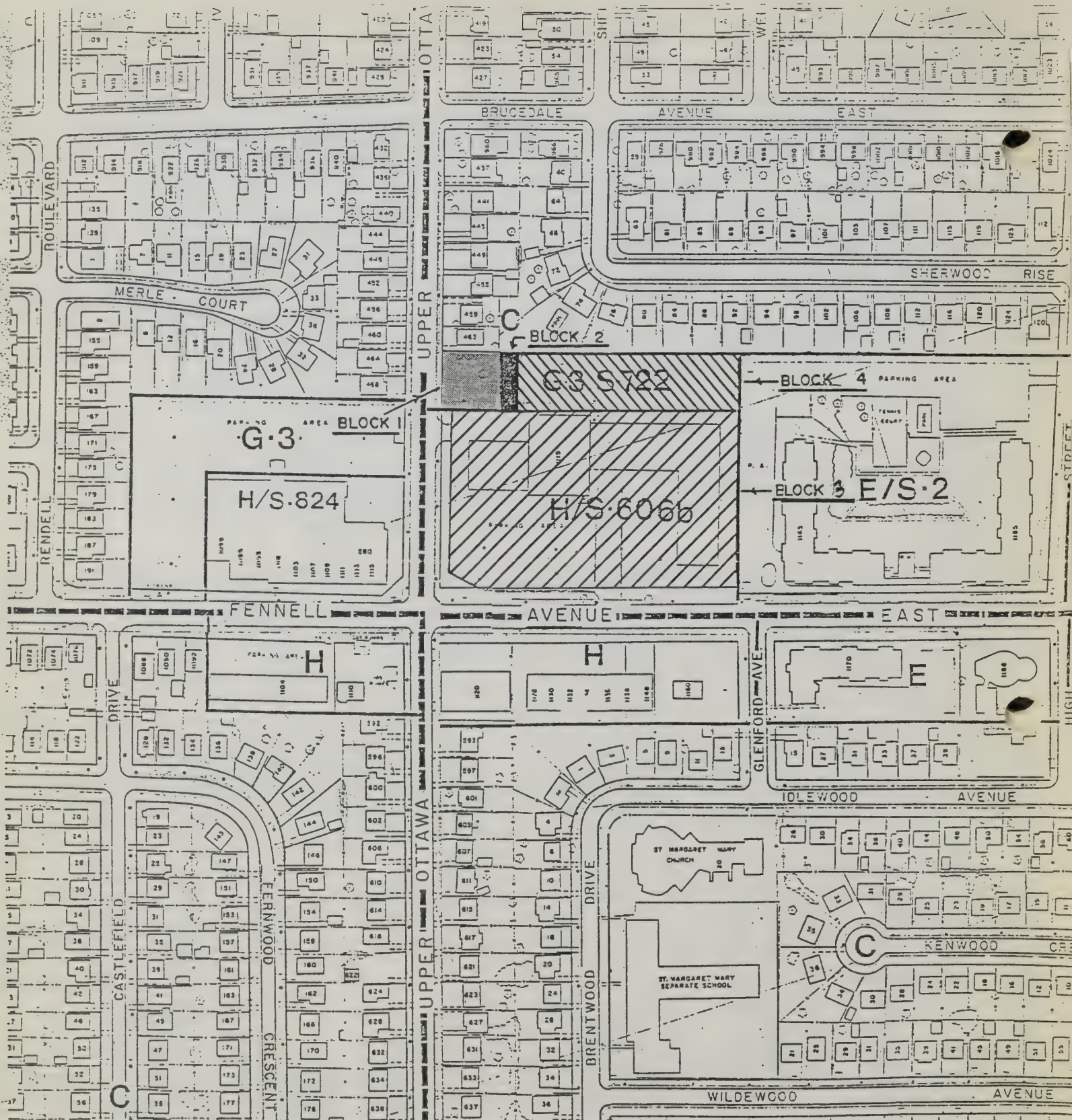


FURTHER MODIFICATION TO THE "H" (COMMUNITY SHOPPING AND COMMERCIAL, ETC.) DISTRICT.

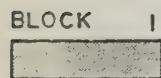


BLOCK 4

FURTHER MODIFICATION TO THE "G-3" (PUBLIC PARKING LOTS) DISTRICT.

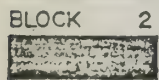


LEGEND



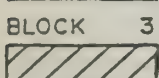
BLOCK 1

MODIFICATION TO THE "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT



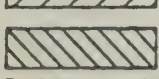
BLOCK 2

CHANGE IN ZONING FROM "G-3" (PUBLIC PARKING LOTS) DISTRICT, MODIFIED, TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT, MODIFIED



BLOCK 3

FURTHER MODIFICATION TO THE "H" (COMMUNITY SHOPPING AND COMMERCIAL, ETC.) DISTRICT



BLOCK 4

FURTHER MODIFICATION TO THE "G-3" (PUBLIC PARKING LOTS) DISTRICT

23a.

Suite 425,
143 James St. S.,
Hamilton, Ontario. L8P 3A1

MAR 23 1989

March 22, 1989

Secretary,
Planning and Development Committee,
City Hall,
Hamilton, Ontario. L8N 3T4

Re: Planning Department File # ZA-88-134

Gentlemen:

We are owners of property known as Sherwood Plaza, located immediately to the West of Upper Ottawa Street opposite the property referred to above.

We have and do experience parking problems on our lot arising from the overflow of the existing tenancy of the said Plaza. An intensification of use without added parking in our opinion will compound this problem, and therefore we are submitting our objection thereto.

We hesitate to oppose reasonable development, however we are concerned that the added proposed usage, without added parking, will cause added neighbourhood parking problems.

Thanking you for your consideration of this objection,

Yours very truly,

FENWOOD DEVELOPMENTS LTD.



R. F. Banting
President

MAR 23 1989

RFB:cs

Encl.

PROPOSED CHANGE IN ZONING - BLOCK 1 FROM C TO H , BLOCK 2 FROM G-3 TO H

BLOCK 3 MODIFICATION TO H , BLOCK 4 MODIFICATION TO G-3

PROPERTY DESCRIPTION - NOS 1117 - 1119 FENNEL AVENUE EAST

I AM IN FAVOUR OF ()

OPPOSED TO (X) (PLEASE CHECK (V) WHICH)

THIS PROPOSED ZONE CHANGE

.....
FENWOOD DEVELOPMENTS LIMITED
143 JAMES ST S SUITE 425
HAMILTON, ONTARIO

L8P 3A1

FENWOOD DEVELOPMENTS LTD

per *R. J. Bentley*SIGNED

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT-526-4445

.....
FILE-2A08-134 SEQ-00147

F O R A C T I O N

26.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 April 5
COMM FILE:
DEPT. FILE: ZA-88-46
 ALLISON
 NEIGHBOURHOOD

SUBJECT:

Request for a change in zoning for property at the south-west corner of Rymal Road East and Ryckman Street

RECOMMENDATION

- (A) That Zoning Application 88-46, P. and J. Zourntos, P. Hatzoglou, A. Tuite, and P. Mancini, owners, requesting a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Area) District, to permit a neighbourhood plaza on property at the south-west corner of Rymal Road East and Ryckman Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reason:
- i) The proposal conflicts with the intent of the draft Allison Neighbourhood Plan, in that the requested "G-4" District permits uses which are considered high traffic generators (i.e. restaurant).
- (B) That approval be given to Official Plan Amendment No. , to redesignate lands at the south-west corner of Rymal Road East and Ryckmans Street from "RESIDENTIAL" to "COMMERCIAL", and to amend "SPECIAL POLICY AREA 31" to include the subject lands, and that the City Solicitor be directed to prepare a By-law to amend the Official Plan for the Hamilton Planning area for submission to the Regional Municipality of Hamilton-Wentworth.
- (C) That approval be given to an amended Zoning Application 88-46, P. and J. Zourntos, P. Hatzoglou, A. Tuite, and P. Mancini, owners, for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Area) District, modified to permit a neighbourhood plaza on property at the south-west corner of Rymal Road East and Ryckman Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the subject lands be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Area) District;
- ii) That the "G-4" (Designed Neighbourhood Shopping Area) District regulations as contained in Section 13D of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:

- a) That Section 13D(1)B(iv) of Zoning By-law No. 6593 shall not apply;
 - b) That a minimum 3.0 m wide planting strip shall be provided and maintained along the southerly and easterly property lines;
 - c) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the boundary of the southerly property line;
 - d) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained within the required 3.0 m wide planting strip along the easterly property line;
 - e) That no vehicular access to or egress from Ryckman Street shall be permitted.
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Maps E-9D and E-9E be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-9D and E-9E for presentation to City Council;
- v) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Region of Hamilton-Wentworth.

EXPLANATORY NOTE

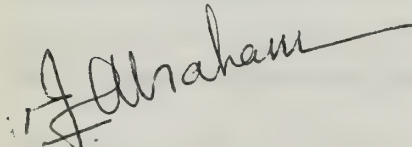
The purpose of the By-law is to provide for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Area) District, modified for lands located at the south-west corner of Rymal Road East and Ryckmans Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit development of the subject lands for a neighbourhood plaza.

In addition, the By-law provides for the following variances as special requirements:

- to prohibit a Restaurant or refreshment room without any dancing or other entertainment except music;
- to provide a minimum 3.0 m wide planting strip along the southerly and easterly property lines;
- to provide a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height along the boundary of the southerly property line;

- to provide a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height within the required 3.0 m wide planting strip along the easterly property line; and,
- to prohibit driveway access to and from Ryckman Street.


V.J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

It is the applicants intent to rezone the subject lands from "B" (Suburban Agriculture and Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Area) District to permit a 1 storey neighbourhood plaza having a gross floor area of approximately 1,858 m² (20,00 sq.ft.).

- Zoning Application 86-29

At its meeting held on May 28, 1986 the Planning and Development Committee denied application ZA-86-29 to permit a 2 storey building containing 1,840 m² (19,806 sq.ft.) of ground floor commercial space, and 16 second storey apartment units on the subject lands, for the following reasons:

- "i) The proposal does not comply with the Official Plan which designates the property "Residential", and would require redesignation to "Commercial";
- ii) The proposal does not comply with the intent of the Upper James South-Mountain Area Study, which designates the site "Residential" (Note: Official Plan Amendment No. 28 which implements the Upper James South-Mountain Area Study is under appeal);
- iii) The proposal is premature pending the preparation of a Neighbourhood Plan. In this regard, the Allison Neighbourhood Plan is not on the current work programme; and,
- iv) Approval of the application would set an undesirable precedent for future similar applications".

On June 24, 1986 City Council adopted the recommendation of the Planning and Development Committee to deny the application.

● Zoning Application 84-80

At its meeting held on January 30, 1985, the Planning and Development Committee denied application ZA-84-80 for a commercial shopping plaza on the subject lands, for the following reasons:

- "i) The proposal is premature pending the completion of the "Upper James South-Mountain Area Study";
- ii) The proposal does not comply with the Official Plan which designates the property Residential; and,
- iii) Approval of the application would set an undesirable precedent for future similar applications".

On February 26, 1985 City Council adopted the recommendation of the Planning and Development Committee to deny the application.

APPLICANTS

Aiden Tuite, Peter and John Zourntos, Phil Mancini and Peter Hatzoglou, owners.

LOT SIZE AND AREA

An irregular shaped parcel of land having:

- 88.21 m (289.40 ft.) of lot frontage on Rymal Road East;
- 59.5 m (195.21 ft.) of lot flankage on Ryckman Street; and,
- 6,032 m² (64,930 sq.ft.) of lot area.

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|--------------------------|--|--|
| <u>SUBJECT LANDS</u> | Vacant | "B" (Suburban Agriculture and Residential, etc.) District |
| <u>SURROUNDING LANDS</u> | | |
| to the north | Automotive repair shop and automotive dealership | "HH" (Restricted Community Shopping and Commercial, etc.) District |
| to the south | single-family dwellings | "B" (Suburban Agriculture and Residential, etc.) District |
| to the east | single-family dwellings | "B" Suburban Agriculture and Residential, etc.) District |

to the west

MacDonalds
Restaurant and a
Shell gas bar

"HH" (Restricted Community
Shopping and Commercial)
District, and "G-1" (Designed
Shopping Centre) District

OFFICIAL PLAN

Designated "Residential" on Shedule "A" - Land Use Concept of the Official Plan. The following policy among others, would apply:

- "A.2.1.3 Within areas designated RESIDENTIAL, land uses comptabile to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- iv) Limited individual or groups of commercial uses on sites not exceeding .4 ha in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this plan."

Based on the above policy Local Commercial Uses permitted in the "RESIDENTIAL" designation must be less than .4 ha in site area. Since the subject lands are .6 ha in area, the proposal cannot be permitted in the RESIDENTIAL designation.

In addition to the foregoing policy, the following policy would apply:

- "D.2.6 A NEIGHBOURHOOD PLAN will be required to be prepared prior to the development of undeveloped Neighbourhoods, the undertaking of any major redevelopment, or where any major proposal will have the potential effect of substantially altering the pattern of land use in the PLANNING UNIT affected, subject to the policies herein. However, such a Plan will not be required in an undeveloped Neighbourhood where development would be in the form of infill".

On the basis of the foregoing, the proposal could be deemed to be infilling. However, approval of the application would require an amendment to the Official Plan to redesignate the subject lands from "RESIDENTIAL" to "COMMERCIAL", and to amend "SPECIAL POLICY AREA 31" to include the subject lands.

NEIGHBOURHOOD PLAN

The subject lands are designated for "Commercial and Apartments" on the draft Allison Neighbourhood Plan. The draft neighbourhood plan restricts commercial use of the site by prohibiting high traffic generators such as restaurants, and also requires a 10 foot wide planting strip across the entire southerly and easterly property lines adjoining the "B" (Suburban Agriculture - Residential, etc.) District.

It is anticipated that the Allison Neighbourhood Plan will be the subject of a Public Meeting in the fall of 1989 to reconsider previous submissions.

The proposed commercial use would not conflict with the intent of the draft Allison Neighbourhood Plan, provided that the development excludes high traffic generators such as restaurants.

COMMENTS RECEIVED

- The Building Department, Local Architectural Advisory Committee Staff and The Hamilton Region Conservation Authority have no comments or objections.
- The Traffic Department has advised that:
"...it is satisfactory. The applicant should be advised that roadway improvements will likely be required as a part of the development. Detailed comments will be made at the site plan stage".
- The Hamilton-Wentworth Engineering Department has advised that:
"...public watermains as well as storm and sanitary sewers are available to service the subject lands.

The applicant is to enter into any appropriate agreements with the City/Region for recovery of municipal services.

The designated road allowance width of Rymal Road is 36.58 m (120 ft.). In our previous comments we recommended that sufficient lands be dedicated to the Region for road widening purposes. It appears that the Region acquired a .3048 m (10 ft.) widening. We are reviewing this and will advise if the road widening requirement(s) have been satisfied.

Any work within the adjacent road allowance, as widened, must conform to the respective street By-laws.

In the absence of detailed plans, we advise that roadway improvements will likely be required on Rymal Road since it is the applicant's intention to rezone the lands to permit high traffic generated uses.

The details of these roadway improvements, if required, will be specified at the site plan control stage. All costs associated with the roadway improvements may be at the expense of the owners/applicant".

COMMENTS

1. The proposal would require an amendment to the Official Plan to redesignate the subject lands from "Residential" to "Commercial", and amend "SPECIAL POLICY AREA 31" to include the subject lands.
2. The proposal cannot be supported for the following reason:
 - it conflicts with the intent of the draft Allison Neighbourhood Plan which designates the subject lands "COMMERCIAL and APARTMENTS", and prohibits high traffic generator type uses. In this regard, the requested "G-4" District permits a restaurant, which is considered a high traffic generator.
3. Provided that the proposal does not involve high traffic generating commercial uses, it would comply with the intent of the draft Allison Neighbourhood Plan. In keeping with the provisions of Policy D.2.6 of the Official Plan, an approved neighbourhood plan would not be required

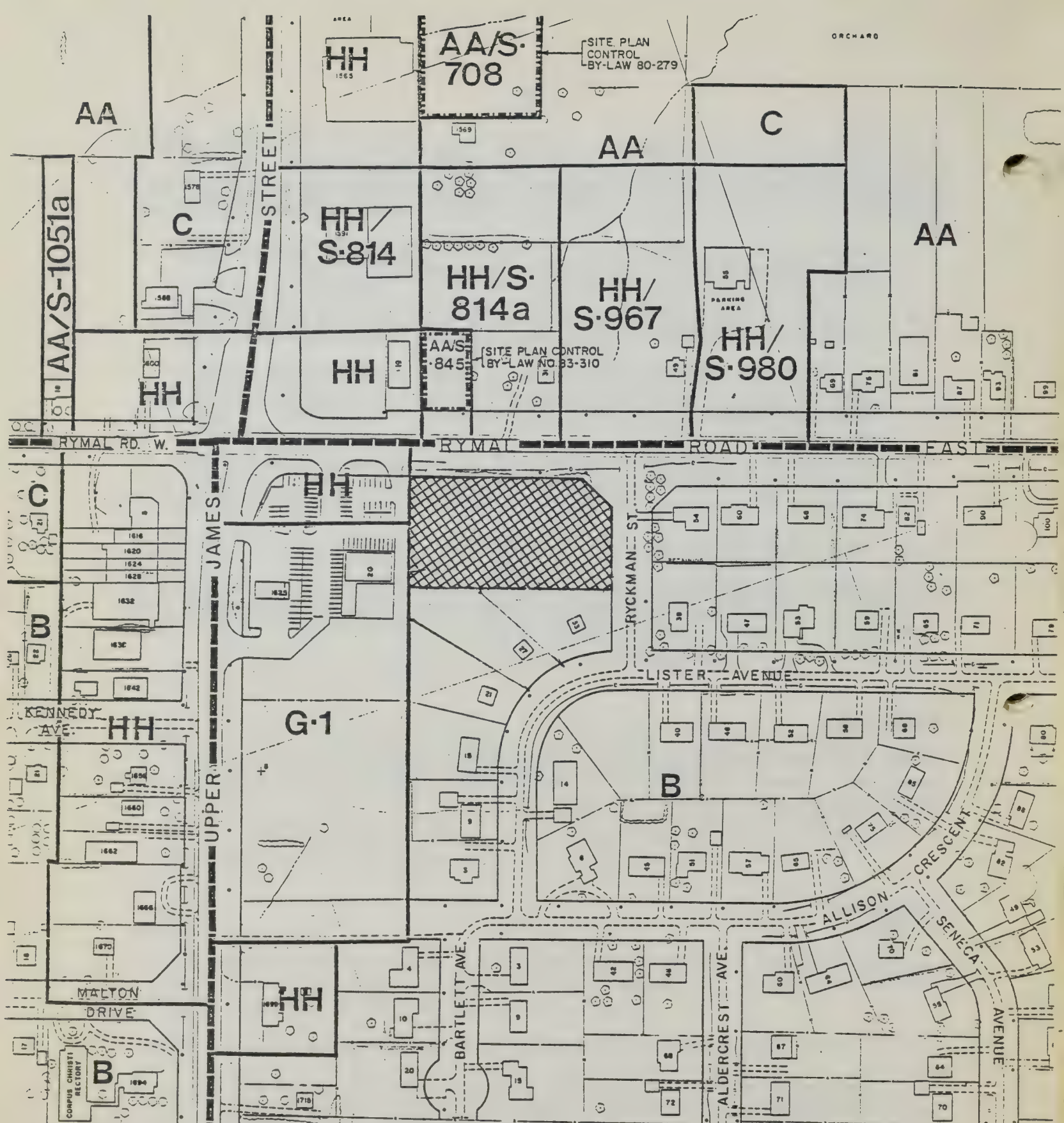
as the proposed development would be in the form of infill. Accordingly, consideration could be given to an amended application to permit the neighbourhood shopping plaza on the basis of a "G-4" modified zoning, which incorporates for the following guidelines from the draft neighbourhood plan:

- to prohibit a restaurant or refreshment room without any dancing or other entertainment except music, (Section 13D(1)(b(iv)));
 - to require a minimum 3.0 m wide planting strip to be provided and maintained along the southerly and easterly property lines;
 - to require a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained along the boundary of the southerly property line;
 - to require a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained within the required 3.0 m wide planting strip along the easterly property line; and
 - that no access driveway to and from Ryckman Street shall be provided.
4. Development of the lands within the "G-4" District is subject to Site Plan Control. In this regard, matters related to parking, grading, access, road widening, landscaping, fencing, etc., will be reviewed at the site plan control stage of development.

CONCLUSION

On the basis of the foregoing, the application as submitted cannot be supported. However, consideration could be given to an amended application to restrict high traffic generator uses.

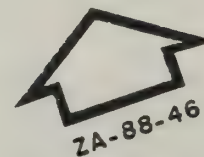
GAW:ma/dkp
WP 0136P



LEGEND



SITE OF THE APPLICATION



FOR ACTION

27.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

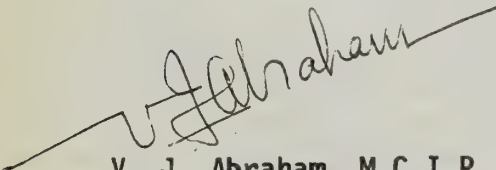
DATE: 1989 March 30
COMM FILE:
DEPT. FILE: ZA-89-04
Stathcona
Neighbourhood

SUBJECT:

Request for a change in zoning - No. 55 Queen Street North.

RECOMMENDATION

That Zoning Application 89-04, Patran Holdings Limited, owner, requesting a change in zoning from "J" (Light and Limited Heavy Industry, etc.) District to "CR-2" (Commercial - Residential) District to permit a mixed residential - commercial development comprised of a 15 storey apartment building having 268 units, a 2 storey retail building and a 3 storey office building, for property located at No. 55 Queen Street North, as shown on the attached map marked as APPENDIX "A", be TABLED for the Ward Alderman to hold a public meeting in the neighbourhood to discuss the proposed development.


V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

● Existing Use

Existing structures include a 3 storey office building of 1,393.5 m² (15,000 sq.ft.), and a 1.5 storey warehouse building of 4,645 m² (50,000 sq.ft.).

● Proposed Development

It is the applicant's intention to rezone the subject lands from "J" (Light and Limited Heavy Industry, etc.) District to "CR-2" (Commercial-Residential) District to permit a mixed residential - commercial development comprised of a 15 storey apartment building with 268 units, a 2 storey retail building and a 3 storey office building. (see APPENDICIES "B" & "C").

APPLICANT

Patran Holdings Limited, owner.

LOT SIZE AND AREA

- 80.473 m (264.02 ft.) of lot frontage on Queen Street North;
- 101.346 m (332.50 ft.) of lot frontage on Napier Street and Market Street; and,
- 8,126.376 m² (2.0 acres) of lot area.

OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The proposed does not comply with the intent of the Plan and, if approved, would require an amendment to establish a "SPECIAL POLICY AREA" to permit the proposed commercial uses within the "RESIDENTIAL" designation.

NEIGHBOURHOOD PLAN

The subject lands are designated "MEDIUM DENSITY APARTMENTS" in the approved Stathcona Neighbourhood Plan. The proposal does not comply with the intent of the Plan. Approval of the application would require an amendment to the Plan to redesignate the lands to "COMMERCIAL AND APARTMENTS".

COMMENT

The proposal has merit and warrants further consideration. However, since this is a major project with mixed uses and, given the bulk and scale of the proposed development (15 storeys; 412,950 sq. ft.), its proximity to low density residential areas ("D" District to the west), and the need for Official Plan and Neighbourhood Plan amendments, it would be appropriate to hold a neighbourhood public meeting to review the proposal prior to its consideration by the Planning and Development Committee.

RECOMMENDATION

That the application be TABLED for the Ward Alderman to hold a neighbourhood public meeting to discuss the proposed development.

PDM/MPS:ma/dkp

WP0372P

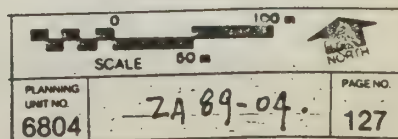


LEGEND.



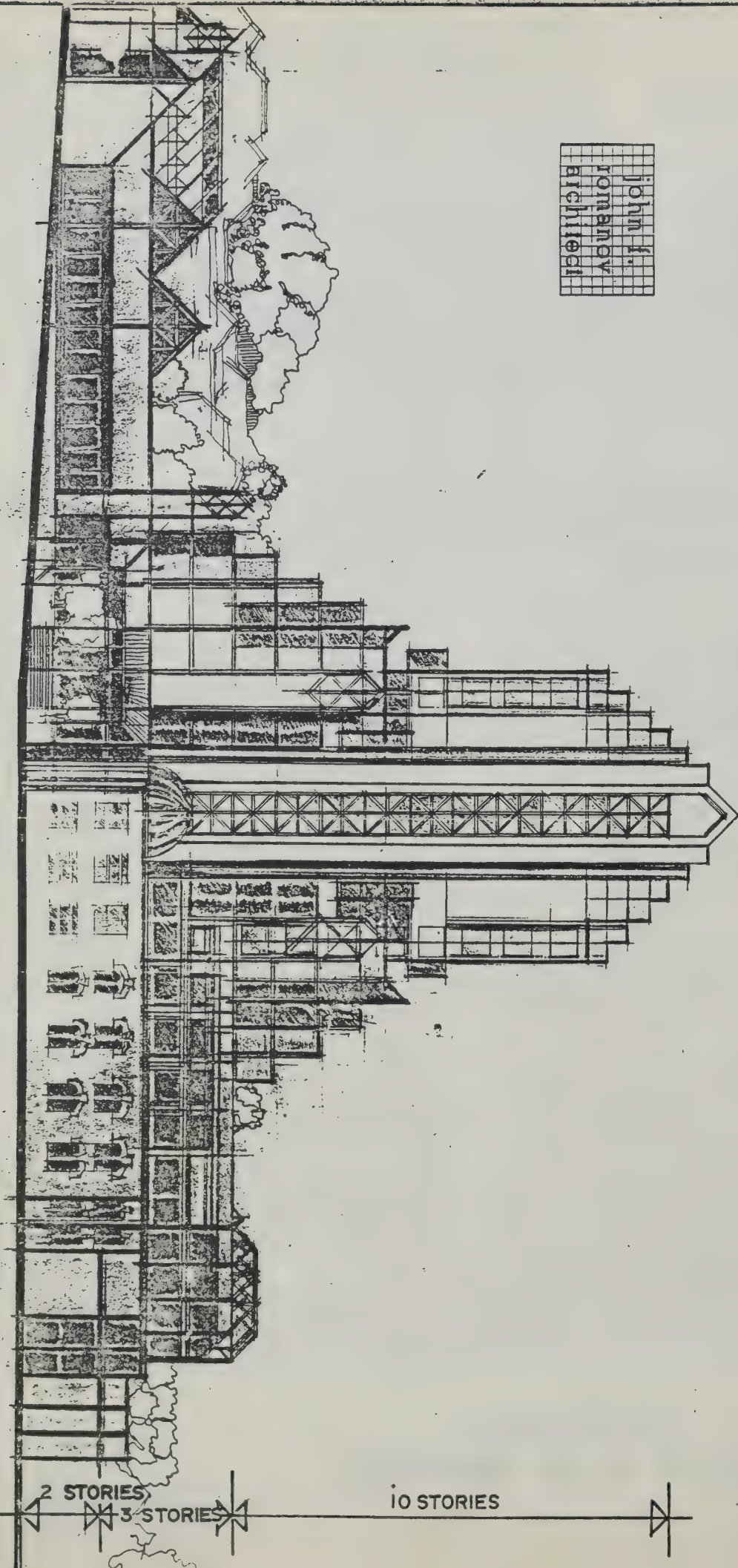
SITE OF THE APPLICATION.

APPENDIX "A"



John F.
Romanov
Architect

QUEEN STREET ELEVATION



2 STORIES

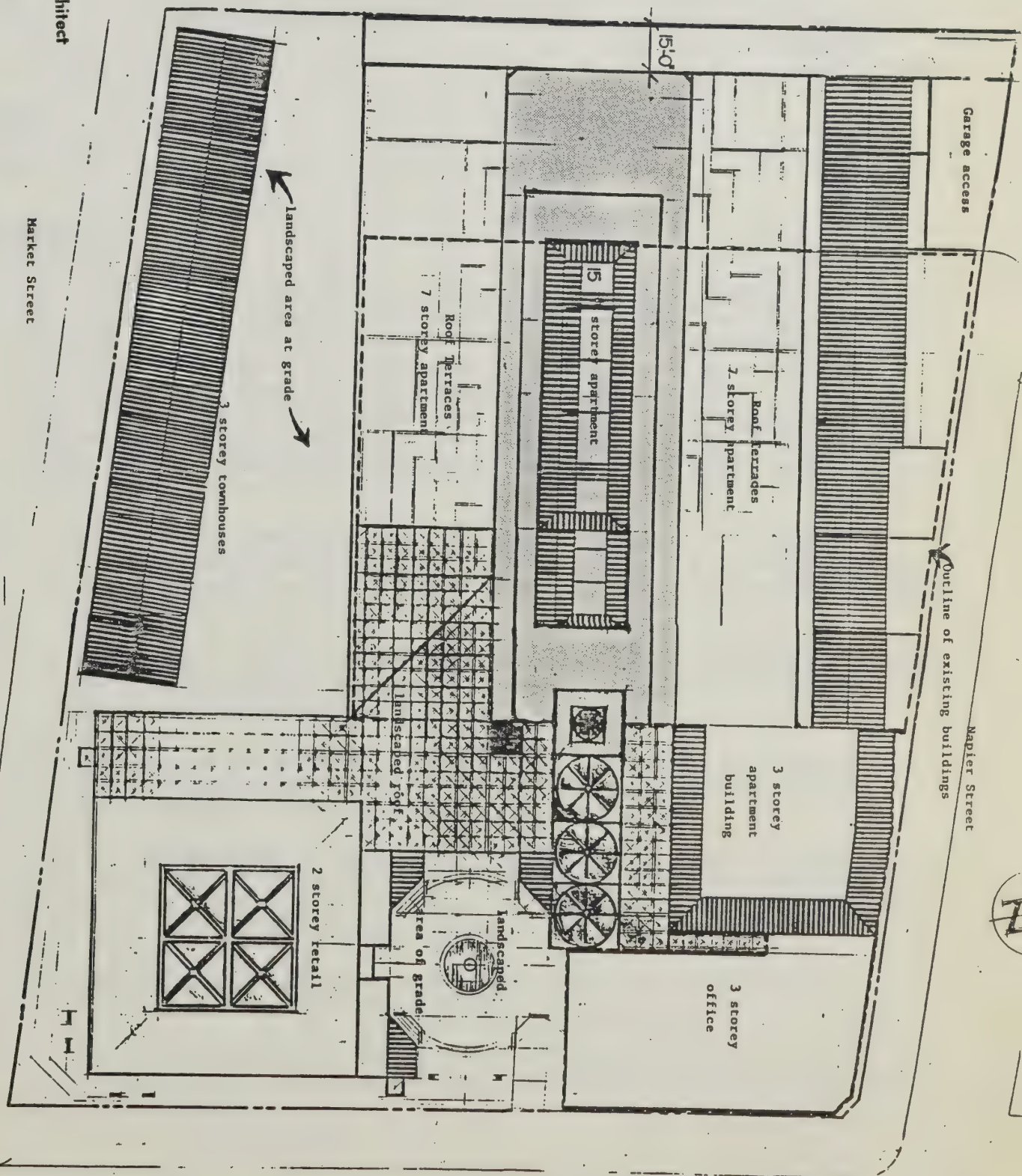
3 STORIES

10 STORIES

APPENDIX "B"

John F.
Romanov
architect

SITE/ROOF PLAN
John F. Romanov Architect



Queen Street

APPENDIX "C"

FOR ACTION

28.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 March 17
COMM FILE:
DEPT. FILE: ZA-88-28
Gourley
Neighbourhood

SUBJECT:

Request for changes in zoning - No. 1002 West 5th Street.

RECOMMENDATION

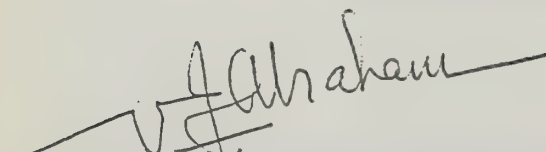
1. That Zoning Application 88-28, G. Marazzato, owner, requesting changes in zoning from "AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping Area) District (Block "1") and "C" (Urban Protected Residential, etc.) District (Block "2"), to permit the construction of a 2 storey building having commercial uses on the ground floor (stores, offices) and 3 apartment units on the second floor, and to create 2 building lots for single-family detached dwellings, for lands located at No. 1002 West Fifth Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:
 - i) The proposed commercial and apartment development for Block "1", conflicts with the intent of the Official Plan and approved Gourley Neighbourhood Plan which designate the subject lands for "SINGLE AND DOUBLE RESIDENTIAL" use;
 - ii) The proposed commercial and apartment development on Block "1" would be incompatible with existing and proposed single-family residential development on adjoining lands; and
 - iii) Approval of the proposed commercial and residential development on Block "1" would set an undesirable precedent for future similar applications in the surrounding area.
2. That approval be given to amended Zoning Application 88-28, G. Marazzato, owner, for a change in zoning from "AA" (Agricultural) District for lands located at No. 1002 West Fifth Street, as shown on the attached map marked as APPENDIX "B", on the following basis:
 - i) That the subject lands be rezoned from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District;
 - ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council;

- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

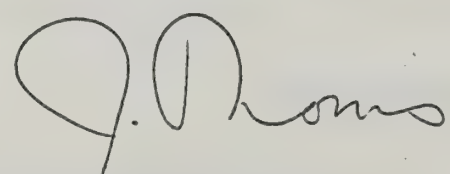
EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at No. 1002 West Fifth Street, as shown on the attached map marked as APPENDIX "B".

The effect of the By-law is to permit development of the subject lands for single-family dwellings.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Proposal

Request for a change in zoning on the following basis:

Block "1" - from "AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping Area) District to permit a two storey building with commercial on the ground floor (e.g. variety store, offices) and 3 apartments on the second floor.

Block "2" - from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit two single-family dwelling building lots.

o Consent Application

At its meeting of April 26, 1988 the Land Division Committee approved application H-61-88 to permit the severance of Block "2" (see APPENDIX "A") into two single-family dwelling lots. The approval was conditional upon, among others, the applicant submitting proof of final approval of any necessary change of zoning/zoning amendment.

- ZA-88-83

At its meeting of January 31, 1989 Council passed By-law No. 89-46. The purpose of the By-law is to provide for a change in zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District for the adjoining lands to the west (No. 120 Stone Church Road West).

The effect of the By-law is to permit the severance of the property to create two single-family dwellings lots.

- ZA-88-66

At its meeting of March 1, 1989 the Planning and Development Committee approved Zoning Application 88-66 to rezone the adjoining lands to the north (No. 980 West 5th Street), from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District. The effect of the application was to permit the creation of two single-family dwelling lots.

- ZA-76-05

At its meeting of February 24, 1976 Council refused a zoning application to permit a day care centre on the subject lands.

APPLICANT

Giovanni Marazzato, owner.

LOT SIZE AND AREA

The subject property is located at the north-west corner of Stone Church Road West and West Fifth Street, and has approximately:

| | <u>Block "1"</u> | <u>Block "2"</u> | <u>TOTAL</u> |
|--------------------------------------|---|---------------------------------------|---|
| • Frontage on Stone Church Road West | 36.6 m (120 feet) | 24.4 m (80 feet) | 61 m (200 feet) |
| • Frontage on West Fifth Street | 39.6 m (130 feet) | N/A | 39.6 m (130 feet) |
| • Lot Area | 1,449 m ²
(15,600 sq.ft.) | 966 m ²
(10,400 sq.ft.) | 2,415 m ²
(26,000 sq.ft.) |

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|----------------------|--|------------------------------|
| <u>SUBJECT LANDS</u> | Residential and small engine repair shop | "AA" (Agricultural) District |

SURROUNDING LANDS

| | | |
|--------------|--------------------------------------|--|
| to the north | Single-family residential | "AA" (Agricultural) District |
| to the south | Single-family residential and vacant | "AA" (Agricultural) District |
| to the east | Vacant | "AA" (Agricultural) District |
| to the west | Single-family residential | "C" (Urban Protected Residential, etc.) District-pending By-law approval |

OFFICIAL PLAN AND NEIGHBOURHOOD PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The following policies, among others, apply:

- "2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- 2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
 - iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.
- 2.2.27 It is not the intent of Council that the LOCAL COMMERCIAL category be included within the Commercial classification indicated on Schedule "A" to this Plan. Rather, it is the intent of Council that LOCAL COMMERCIAL uses may be permitted within the Residential designation of land use indicated on Schedule "A", subject to a specific application for an appropriate amendment to the Zoning By-law and without the necessity of amending this Plan. The location of LOCAL COMMERCIAL uses will be designated by Neighbourhood Plans.
- 2.2.28 Notwithstanding the above provisions, when considering new development in this category, Council will give preference to the grouping of individual LOCAL COMMERCIAL uses in suitable locations to prevent the scattering of such establishments throughout Residential areas".

In addition, the subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Gourley Neighbourhood Plan. Accordingly, the proposed single-family residential development on Block "2" complies with the Official Plan and the approved Neighbourhood Plan. However, the proposed commercial/residential development on Block "1" does not comply with the intent of the Official Plan or Neighbourhood Plan. Approval of the application would necessitate an amendment to the approved Neighbourhood Plan to redesignate Block "1" to "COMMERCIAL AND APARTMENTS".

RESULTS OF CIRCULARIZATION

- The following agencies have no comment of objection:

- LACAC;
- Hamilton Region Conservation Authority.

- The Building Department has advised as follows:

"The property is subject to the "G-4" Intensity of Use requirements and if the professional offices are medical, they will be subject to Section 18A, Table 1 4.(a) parking conditions".

- The Hamilton-Wentworth Department of Engineering has advised as follows:

"...public watermains as well as sanitary and storm sewers are available to service the subject lands.

The designated road allowance width of Stone Church Road is 30.48 m (100 ft.) of West 5th Street is 30.48 m (100 ft.) and a 12.19 x 12.19 m (40 x 40 ft.) daylight triangle at the north-west angle of the intersection. As a condition of development approval, we recommend the following:

1. Sufficient lands to be dedicated to the Region to establish the property line 15.24 m (50 ft.) from the centreline of the original Stone Church Road road allowance.
2. Sufficient lands to be dedicated to the Region to establish the property line 15.24 m (50 ft.) from the centreline of the original West 5th Street road allowance.
3. Sufficient lands to establish a 12.19 m x 12.19 m (40 x 40 ft.) daylight triangle dedication to the Region established from the widened limits of Stone Church Road and West 5th Street.

The plans submitted by the applicant should be revised to reflect the above information.

According to the preliminary plans submitted, the manoeuvring and parking spaces for the development will be located within the road allowance, as widened. We advise that parking, manoeuvring, etc. should be relocated to private property and the setbacks for the property taken from the widened limits of the road allowance. Any other work within the road allowance must conform to the Region's Road Use By-law.

Comments from the City of Hamilton Traffic Department should be considered with respect to the actual access design. The applicant should be advised that future construction of Stone Church Road and West 5th Street may include the provision of raised concrete median islands which may restrict access to these lands. Access to the lands shown as Block 2 must be to the far west as possible..."

COMMENTS

1. The proposed residential development of Block "2" complies with the intent of the Official Plan and approved Gourley Neighbourhood Plan. However, the proposed commercial/residential development for Block "1" conflicts with the intent of both Plans. In this regard, approval of the application would necessitate an amendment to the approved Neighbourhood Plan to redesignate Block "1" from "SINGLE AND DOUBLE RESIDENTIAL" to "COMMERCIAL AND APARTMENTS", thereby bringing the proposal into compliance with the Official Plan.
2. Although the proposed single-family residential development on Block "2" has merit, the application as submitted cannot be supported for the following reasons:
 - the proposed commercial/residential development (Block "1" - APPENDIX "A") conflicts with the intent of the Official Plan and the recently approved Gourley Neighbourhood Plan, which respectively designate the lands "Residential" and "Single and Double Residential". It should be noted, that the subject zoning application was treated as a submission for purposes of the Gourley Neighbourhood Plan review. In this regard, the proposed commercial and apartment development on Block "1" was rejected by Committee and Council on the basis that commercially zoned land is available along Upper James Street Neighbourhoods;
 - the proposed commercial and apartment development on Block "1", would be incompatible with existing and proposed single-family residential development on adjoining lands;
 - approval of the commercial and apartment development on Block "1", would set an undesirable precedent for future similar applications in the surrounding area; and
 - it is questionable as to whether or not Block "1" has sufficient lot area to accommodate the proposed commercial/residential development, in that the proposed parking and manoeuvring spaces are located within the road allowance (see APPENDIX "C").

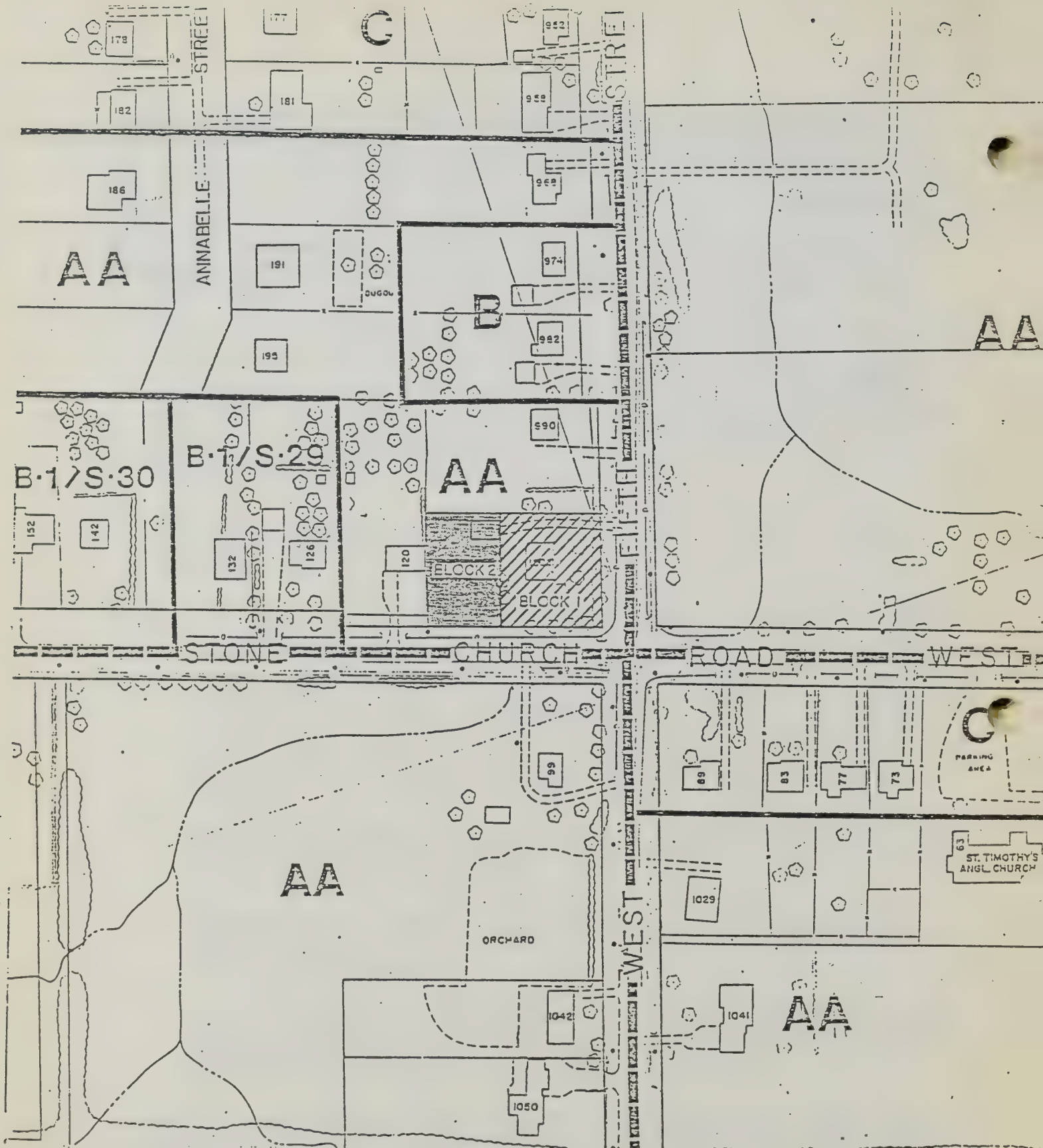
However, consideration could be given to an amended zoning application to rezone both Blocks "1" and "2" from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District. In this regard, the applicant would have to make another application for consent to subdivide Block "1" into building lots.

3. The recommendations of the Engineering Department respecting road widenings and the daylight triangle would be acquired under the conditions of land severance approval (H-61-88).

CONCLUSION

On the basis of the foregoing, the application as submitted should be denied. However, approval could be given to an amended application to rezone the subject lands to "C" (Urban Protected Residential, etc.) District.

PDM/ma
WP 0217P



Legend

Proposed change in zoning from "AA" (Agricultural) District to:



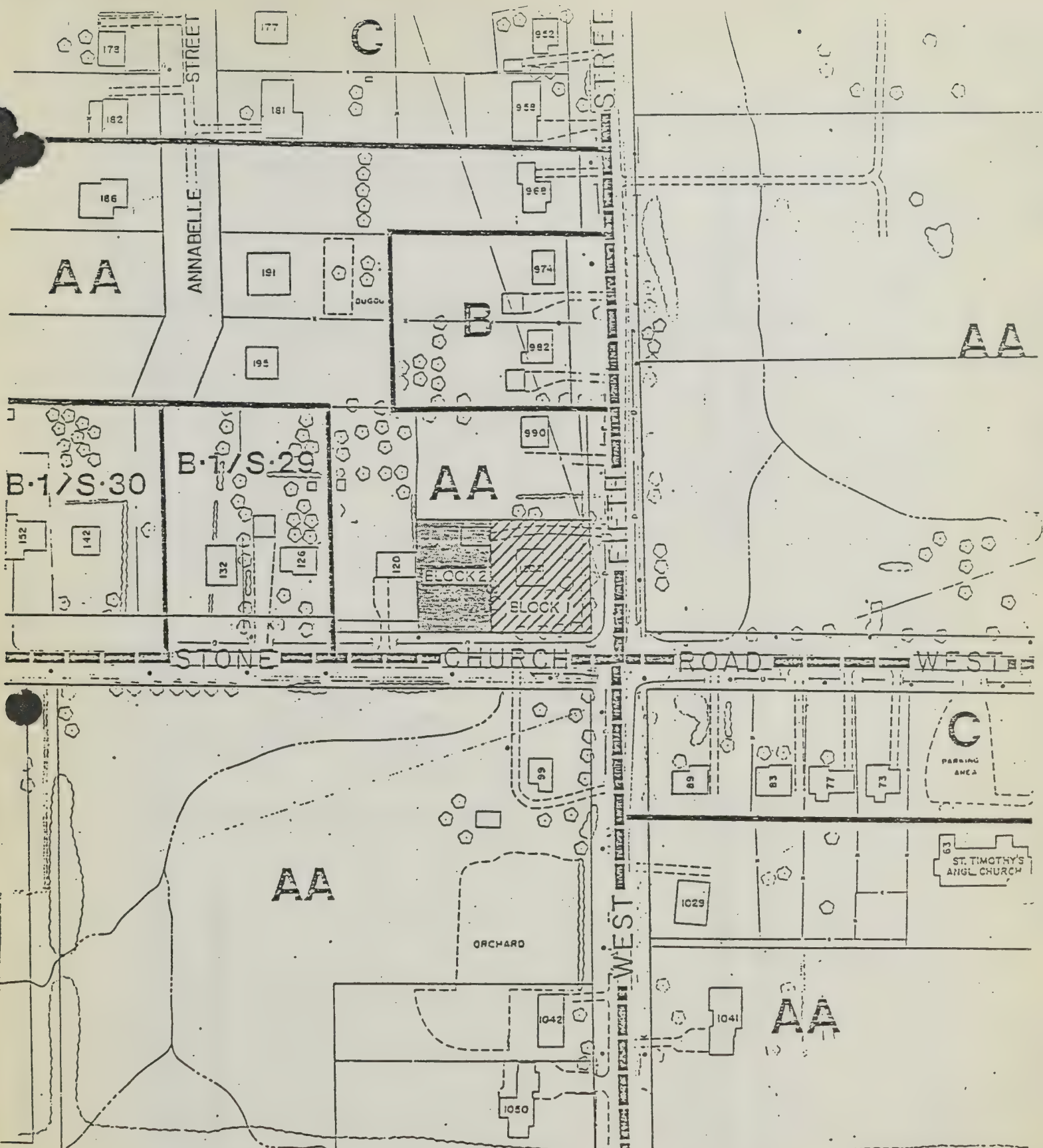
"G-4" (Designed Neighbourhood Shopping Area) District, MODIFIED.



"C" (Urban Protected Residential, etc.) District



APPENDIX A

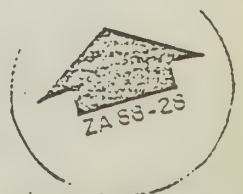


Legend

Proposed change in zoning from "AA" (Agricultural) District to:



"C" (Urban Protected Residential, etc.) District



CAY ONHBLA05

C61 P4

1989

2nd floor

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

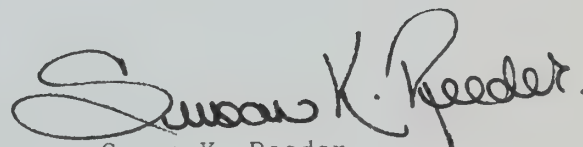
THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1989 April 20th

NOTICE OF SPECIAL MEETING

Planning and Development Committee
Tuesday, 1989 April 25th
6:45 o'clock p.m.
Room 233, City Hall


Susan K. Reeder
Secretary

SKR:dbm

NOTE: ALL MEMBERS OF CITY COUNCIL ARE INVITED
TO ATTEND THIS SPECIAL MEETING.

A G E N D A

DIRECTOR OF PROPERTY

1. Assignment of City Agreements relating to the sale of Robinson's Department Store.

NOTE: This Special Meeting is required since the above-noted sale of Robinson's closes on 1989 May 1st.

Assignment Agreements referred to in Section (c) of the staff recommendation will be distributed at the meeting.

BUILDING COMMISSIONER

2. Cash-in-lieu of Parking Policy for the property located at 1322 King Street East.

- c.c.'s.
- Mr. L. Sage, Chief Administrative Officer
 - Aldermen's Secretaries
 - Mr. E. Matthews, City Treasurer
 - Alderman D. Agostino
 - Alderman T. Cooke
 - Alderman D. Drury
 - Alderman T. Jackson
 - Alderman T. Murray
 - Mr. K. A. Rouff City Solicitor
 - Attention: Mr. P. R. A. Hooker & Ms. L. Lawrence
 - Mr. E. W. Kowalski, Director of Community Development
 - Mr. B. Janssen, Community Development Department
 - Mr. G. S. Spencer, Commissioner of Engineering
 - Attention: Mr. K. Brenner
 - Mr. D. W. Vyce, Director of Property
 - Mr. M. Watson, Manager, Real Estate Division
 - Mr. M. Main, Traffic Commissioner
 - Attention: Mr. R. Karl
 - Mr. S. Ghanem, Director of Economic Development
 - Ms. Diana Pasko, Planning
 - Ms. D. Miscione, Building Department
 - Mr. D. Carson, Mayor's Office
 - Mr. J. D. Thoms, Planning Department
 - Mrs. J. MacAnanama, Chief Librarian
 - Ms. C. Deiter, Urban Municipal Librarian, Central Library
 - Mr. J. Schatz, Manager of Legislative Services
 - Mr. Haig Yeghouchian, Planning Department
 - Mr. J. Schwarz, Regional Planning
 - Mr. A. Little, Planning Department
 - Hamilton Real Estate Board
 - 194 James Street South
 - Hamilton, Ontario L8P 3A7
 - Mr. Paul E. Shewfelt
 - Education Centre
 - P.O. Box 558
 - Hamilton, Ontario L8N 3L1
 - Roslyn Robinson
 - c/o Bell Canada
 - 66 Bay St. South, 6th Floor
 - Hamilton, Ontario L8N 3H2
 - Tamlann Investments
 - 914 Upper James Street
 - Hamilton, Ontario L9C 3A5
 - Gloria DeSantis, Research Director
 - Social Planning & Research Council
 - 155 James Street South, Suite 602
 - Hamilton, Ontario L8P 3A4

c.c.'s - continued

- Mr. Tom Casey, Bus. Mgr. & Sec.-Treas.
Hamilton-Brantford Ontario Building &
Construction Trades Council
688 Queensdale Avenue East
Hamilton, Ontario L8V 1M1
- Mr. Edward J. Fothergill
President
Fothergill Planning and Development
135 James Street South, Suite 1015
Hamilton, Ontario
L8P 2Z6
- Mr. Marcel Mongeon
John Dydzak Enterprises Ltd.
400 East 42nd Street, Suite 108
Hamilton, Ontario L8T 3B1
- Cadillac Fairview
20 Queen Street West, 4th Floor
Toronto, Ontario M5H 3R4

April 20, 1989
Planning & Development Committee
Page 2

BACKGROUND:

In 1972 the City of Hamilton entered into a five party agreement regarding the Truck Tunnel that runs under the Lloyd D. Jackson Square from York Boulevard to Main Street West.

This particular agreement allowed Robinson's Department Store to use the tunnel and to have access to it in order to allow for delivery of their goods and equipment.

The agreement states that if Robinson Securities Limited or G.W. Robinson Company Limited wishes to assign the tunnel easement or the areaway easement then consent in writing from the City is required. Said consent shall not be unreasonably withheld subject to certain conditions.

Robinson's Department Store is now closed and the property is to be conveyed on May 1, 1989 and in order to accommodate the transfer of title, permission is required from the City, by Robinson's to assign the trucking easement as well as the areaway easement.

- c.c. - Mayor R.M. Morrow
- Mr. L. Sage, Chief Administrative Officer
- Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor

FOR ACTION

2.

REPORT TO:

Mrs. Susan Reeder, Secretary
Planning and Development Committee

MAR 31 1989

FROM:

Paul Kuppe, P. Eng.
Building Commissioner
Building Department

DATE: March 30, 1989

COMM. FILE:

DEPT. FILE: 89.4.2.1.A

SUBJECT:

Cash-in-Lieu of Parking Policy for the property located at 1322
King Street East

RECOMMENDATION:

That in accordance with the cash-in-lieu of parking policy, Mr. George Cotroneo be required to pay to the City of Hamilton the sum of \$45,000.00 (which is based on 50% of the cost of providing 18 parking spaces at a total cost of \$90,000.00).

That the City Solicitor be directed to implement the cash-in-lieu of parking policy and it is further recommended that this matter not be forwarded to City Council until such time that the owner provides the Building Department with building plans showing the development in accordance with the Zoning By-Law and the Ontario Building Code and that a plot plan based on a survey be provided showing the 8 parking spaces located on the lot.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The property was used as a church (Delta Tabernacle). The property has been vacant for several years and the basement has been illegally converted to a lodging house in 1987. Orders to Comply were issued on the property.

Continued on Page Two

Mr. George Cotroneo made application for a building permit on March 16, 1989 under Tag Number 72782 to add a second floor within the existing building and to convert the property from a church to a general office.

Mr. Cotroneo made application to the Committee of Adjustment under Application A-89:65 for a variance to provide 6 parking spaces in lieu of the 54 required parking spaces. The application was denied on March 22, 1989 (subject to appeal period).

Mr. Cotroneo applied for permission for cash-in-lieu policy for 26 parking spaces and indicated that he has 8 spaces on the lot and wants to purchase 18 spaces. The plans submitted for building permit originally show 3 floors of offices which require 54 parking spaces. The plans were then modified to show that the basement remains as a church and hence the reduction of parking spaces. The basement was illegally converted to a lodging house and must be converted back to a church under a building permit.

The plans presently with the Building Department are not sufficient to show compliance with the Ontario Building Code and Zoning By-Law 6593.

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

1989 April 20th

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1989 April 26th
1:30 o'clock p.m.
Room 233, City Hall

A handwritten signature in cursive script that reads "Susan K. Reeder".

Susan K. Reeder
Secretary

SKR:dbm

ZONING APPLICATIONS WILL BE HEARD IN THE COUNCIL CHAMBERS

A G E N D A

1. Minutes of the meeting held Wednesday, 1989 February 22nd, Wednesday, 1989 March 29th, and Friday, 1989 April 7th.

BUILDING COMMISSIONER

2. Demolition Permit Applications.

DIRECTOR OF COMMUNITY DEVELOPMENT

3. Ontario Home Renewal Programme Applications.

ALDERMAN AGOSTINO

4. Control of Satellite Dishes.
(a) Information Report - Building Commissioner.

ALDERMAN HINKLEY

5. Regulations - Installation of Air Conditioners.
(a) Information Report - Building Commissioner.

DIRECTOR OF LOCAL PLANNING

6. Extension of Draft Plan Approval for "Richview Estates" Subdivision, T. Valeri Construction Ltd., owner, for lands located on the south side of Stone Church Road and east of Wentworth Street. (SA-76-29)
7. Bill 128 - Amendment to the Planning Act respecting the exclusionary provisions of Zoning By-law 6593. (CI-88-I)
8. Neighbourhood Plan Amendments. (P5-2A)

ZONING APPLICATIONS

COUNCIL CHAMBERS

3:00 o'clock p.m.

9. Zoning Application 88-113, Wellington Chase Inc., owner, for a change in zoning from "RT-20" to "C", for rear lands municipally known as No.'s 3 and 7 Bonaparte Road; Barnstown Neighbourhood.
10. Zoning Application 88-135, Lawrence Richard Desaulniers, lessee, for a modification to the "K" District regulations for property at No. 172 Beach Road; Industrial Sector "D" Neighbourhood.
11. Zoning Application 89-09, Giovanni Marazzato, owner, for a change in zoning from "B-1" to "C" modified for property at No. 142 Stone Church Road West; Gourley Neighbourhood.

3:15 o'clock p.m.

12. Zoning Application 89-13, Henry and Olga Board, owners, for a modification to the "D" District regulations for property at No. 289 Locke Street South: Kirkendall North Neighbourhood.

(a) Letter of submission - Dr. Levine, 71 Stanley Avenue.

13. (a) Zoning Application 89-26, Linda Mackenzie and Sharon Addison, lessees, for a modification to the "M-14" District regulations for property at No. 10 Hempstead Drive; Rymal Neighbourhood.

(b) Site Plan Control Application DA-88-125, Mr. G. Sebastian, owner of lands at No. 10 Hempstead Drive; Rymal Neighbourhood.

3:30 o'clock p.m.

14. Subdivision Application 88-19 and Zoning Application 89-11, DiCenzo Construction Co. Ltd., owner, for a change in zoning from "AA" to "A", "C", "R-4" and "RT-20" for lands south of Rymal Road East and east of Miles Road; Broughton West and East Neighbourhoods.

3:45 o'clock p.m.

15. Proposed land exchange between the Hamilton-Wentworth Roman Catholic Separate School Board and the City of Hamilton; Falkirk East Neighbourhood. (P5-2-50)

16. Other Business.

17. Adjournment.

1.

Wednesday, 1989 February 22
2:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met to discuss Budgets.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman B. Hinkley
Alderman M. Kiss
Alderman D. Ross
Alderman D. Christopherson
Alderman W. McCulloch
Alderman H. Merling

Also present: Mr. L. Sage, Chief Administrative Officer
Mr. V. Abraham, Director of Local Planning
Mr. J. Thoms, Commissioner of Planning and Development
Mr. L. King, Building Department
Mr. P. Lampman, Building Department
Mr. B. Pooler, Building Department
Mr. J. Robinson, Community Development Department
Mr. G. Robis, Building Department
Mr. R. Karl, Traffic Department
Mr. R. Hammel, Treasury Department
Mr. J. Ross, C.A.O.'s Office
Mr. J. Roy, M.B.A. Student, Treasury Department
Mr. K. Beattie, Treasury Department
Mr. E. Kowalski, Director of Community Development
Ms. J. McNeilly, Community Development Department
Mr. B. McCammon, Regional Planning Department
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 February 16 respecting Review of Application Fees.

Review of
Application Fees.

The Director of Local Planning outlined this report and the Committee then **APPROVED** the following recommendation:

That the following application fees **BE INCREASED** for the processing of City Applications administered by the Planning and Development Department:

- (a) That the existing \$250. fee for zoning applications be increased to \$500. for 1989 and \$750. for 1990.
- (b) That the existing \$250. fee for an Official Plan Amendment be increased to \$500. for 1989 and \$750. for 1990.
- (c) That the existing \$125. fee for net site plan applications be increased to \$250. for 1989 and \$350. for 1990.
- (d) That the existing \$65. fee for an amendment to an approved site plan be increased to \$100. for 1989 and \$150. for 1990.
- (e) That the applicant be required to pay all costs associated with the referral of a zoning by-law and/or an Official Plan Amendment to the Ontario Municipal Board.
- (f) That the applicant be required to pay all costs for outside professional witnesses and legal services where the City of Hamilton finds it necessary to hire such persons in support of an application before the Ontario Municipal Board Hearing.
- (g) That the City Solicitor be directed to prepare a by-law to adopt the above fees, effective March 01, 1989 and 1990.

Planning Services
Work Programme
for 1989.

The Committee was in receipt of the City of Hamilton Planning Services Work Programme for 1989. The Director of Local Planning gave an overview on this document and the Committee then agreed to RECEIVE this document.

Proposed Budget -
Building Dept.

The Committee then deliberated on the Budgets under their purview. The Committee reviewed the submission of the Building Commissioner respecting his Department's Budget. Mr. L. King and Mr. P. Lampman outlined their Budget request.

Some discussion ensued on the processing of Building Permits and it was AGREED that the Building Department compile an Information Report for the members of the Committee respecting the processing of Building Permits.

Mr. King indicated that the package referred to on Page 18 of the Budget Report respecting Inspections for Loan Programmes under the Community Development Department can be deleted since the Provincial Government has not decided on the Programme process yet.

Some discussion ensued on one of the expansion packages regarding the New Second Level Lodging House By-law.

Mr. L. King showed overhead charts on statistics involving building permit value, permits issued, permit inspections, complaints, total number of inspections, property searches, zoning verifications, value of construction per person, budget, revenue, net budget, net budget expenditures, staffing, budget.

Some discussion ensued on the requirement of a comprehensive review of the functions of the Building Department to be undertaken and it was AGREED that this matter be placed on the next Agenda of the Committee for further discussion.

Mr. King indicated that the Account No. 0344-0191 - Training Courses will be reduced in relation to the packages deleted as mentioned previously.

The Committee AGREED that Account No. 0344-1001 - Salaries and Services would be reduced by deleting one Inspector and reducing the cost of stenographic services by \$10,000.

The Committee reviewed the package to carry out necessary inspections for backflow prevention. General discussion ensued on this matter and it was discussed that a fee could be charged for this inspection. It was agreed that this matter would be TABLED pending a staff report on the feasibility of charging for this service.

It was indicated that Account No. 0344-1071 - Office Equipment and Account No. 0344-1072 - Automotive Equipment would be reduced due to staff packages not being approved.

The Committee reviewed the estimated revenues for the Building Department and AGREED that they would increase the anticipated revenues from the Building Department to \$3.2 Million.

Proposed Budget -
Community Development
Department.

The Committee then reviewed the Budget Submission for the Department of Community Development. Mr. E. Kowalski, Director of Community Development, Ms. J. McNeilly and Mr. J. Robinson of his staff addressed the Committee on this matter. The Committee was in receipt of a letter of transmittal from the Director of Community Development dated 1989 February 17 respecting the Current Budget Estimates for 1989.

Alderman Hinkley noted that the Department of Community Development plans to hold Business Seminars for the benefit of all Business Improvement Areas in the City of Hamilton. He indicated that when these sessions are held that other business areas should be invited for information purposes.

Planning and Development Committee - 3 - Wednesday, 1989 February 22

The Committee then APPROVED the Budget Submission for the Department of Community Development.

The Committee APPROVED the Budget Submission for the Municipal Non-Profit (Hamilton) Housing Corporation.

The Committee also APPROVED the Budget Submissions for the following:

- (a) Hamilton Housing Company.
- (b) Committee of Adjustment.
- (c) Mayor's Award Programme.

The Committee then reviewed the submission of the Planning Department and Mr. J. Thoms, Commissioner of Planning and Development outlined the Budget Submission. Mr. V. Abraham and Mr. B. McCammon of the Planning Department were also in attendance to speak to the Budget.

Discussion ensued on this matter and it was AGREED by the Committee that one additional position in the Expansion Packages be deleted and that that position be determined by the Commissioner of Planning and Development.

There being no further business, the meeting then adjourned.

Taken as read and approved.

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT
COMMITTEE

Susan K. Reeder
Secretary
1989 February 22

Budget-Municipal
Non-Profit (Hamilton)
Housing Corporation.

- Hamilton Housing C
- Comm.of Adjustment
-Mayor's Award
Programme.

Proposed Budget -
Planning and
Development
Department.

Adjournment.

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Planning and Development Committee - 3 - Wednesday, 1989 February 22

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Discussion ensued on this matter and it was AGREED by the Committee that one additional position in the Expansion Packages be deleted and that that position be determined by the Commissioner of Planning and Development.

There being no further business, the meeting then adjourned.

Taken as read and approved.

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT
COMMITTEE

Susan K. Reeder
Secretary
1989 February 22

Budget-Municipal
Non-Profit (Hamilton
Housing Corporation.

- Hamilton Housing C
- Comm.of Adjustment
-Mayor's Award
Programme.

Proposed Budget -
Planning and
Development
Department.

Adjournment.

Wednesday, 1989 March 29
1:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman D. Christopherson
Alderman M. Kiss
Alderman B. Hinkley
Alderman D. Ross
Alderman W. McCulloch

Regrets: Alderman H. Merling - Vacation

Also Present: Alderman T. Murray
Mr. V. Abraham, Director of Local Planning
Mr. J. Sakala, Planning Department
Mr. P. Lampman, Building Department
Mr. D. Godley, Planning Department
Mr. J. Schwarz, Regional Planning
Mr. G. Robis, Building Department
Mr. J. Thoms, Commissioner of Planning and Development
Mr. M. Watson, Real Estate Division
Mr. K. Brenner, Regional Engineering Department
Mr. R. Karl, Traffic Department
Mr. T. Gill, Traffic Department
Mr. J. Pavelka, Acting Chief Administrative Officer
Ms. N. Chapple, Planning Department
Mr. V. Matus, Planning Department
Mr. F. Angelici, Planning Department
Mr. J. Hindson, Manager of Information Systems
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meeting held Wednesday, 1989 March 15 and **APPROVED** these minutes.

Minutes - 1989
March 15th.

The Committee was in receipt of a report from the Building Commissioner dated 1989 March 22 respecting Demolition Permit Applications.

Demolition Permit
Applications.

The Committee **APPROVED** the following:

That the Building Commissioner **BE AUTHORIZED** to issue demolition permits for the following properties:

- (a) 1164 Garth Street
- (b) 1146 Garth Street
- (c) 173 Mud Street
- (d) 1138 Upper Wentworth Street
- (e) 30 Adair Avenue North

The Committee was in receipt of a report from the Chief Administrative Officer dated 1989 March 10 respecting Recommendations from the Task Force to Review the Mandate and Structure of the Hamilton Harbour Commissioners.

Recommendations -
Task Force to Review
the Mandate and
Structure of the
Hamilton Harbour
Commissioners.

Alderman Hinkley, Chairman of that Task Force spoke briefly on these recommendations.

The Committee then **APPROVED** the following:

- (a) That acknowledgement be given to the work of investigating the environmental concerns with respect to the harbour now being undertaken and examined by the Remedial Action Plan process.

- (b) That the Hamilton Harbour Commissioners be a part of any overall Co-ordinating Steering Committee established for the implementation process respecting the Remedial Action Plan.
- (c) Due to the difficulty of determining a general interpretation of the term "navigation and shipping", that the City of Hamilton and the Hamilton Harbour Commissioners meet in order to agree on a clarification of the term "navigation and shipping" for their own purposes. (See Recommendation (d)(i).)
- (d) (i) That a general interpretation of the phrase "navigation and shipping" not be accepted, but that each interpretation of this phrase rest with the circumstances surrounding the particular case or situation at hand; and
 - (ii) That, notwithstanding Section (i) above, that the City of Hamilton and the Hamilton Harbour Commissioners meet in order to agree on a clarification of the term "navigation and shipping" as recommended in the Report outlined in Recommendation (c).
- (e) (i) That the definition of the term "waterfront property" set out in the judgement of Mr. Justice Griffiths, as affirmed by the Ontario Court of Appeal, in Hamilton Harbour Commissioners v. The Corporation of The City of Hamilton et al be accepted as the legal definition of the term "waterfront property" for the purposes of The Hamilton Harbour Commissioners' Act.
 - (ii) That, therefore, the term "waterfront property" be defined to mean:

"that real property abutting or fronting on the body of water that constitutes Hamilton harbour".
- (f) (i) That, the principles set out in the judgement of Mr. Justice Griffiths, as affirmed and augmented by the Ontario Court of Appeal in Hamilton Harbour Commissioners v. The Corporation of The City of Hamilton et al be accepted as the law applicable to the issue of jurisdiction in Hamilton harbour.
 - (ii) That, accordingly it be recognized that,
 - (1) the City may validly pass a zoning by-law affecting land use within the Harbour so long as the by-law does not explicitly attempt to prohibit or regulate the use of land for purposes related to shipping and navigation or the use of land owned by the Federal Crown;
 - (2) the Commissioners may validly pass by-laws to regulate the use and development of land within the harbour for purposes related to shipping and navigation; and,
 - (3) if a direct conflict arises between validly-enacted City zoning by-law and validly-enacted Commissioners by-law with respect to the use of a parcel of land within the harbour; the operation of the City zoning by-law is suspended during the operation of the Commissioners by-law.
- (g) (i) That the definition of the term "harbour headline" set out in the judgement of Mr. Justice Griffiths, as affirmed by the Ontario Court of Appeal in Hamilton Harbour Commissioners v. The Corporation of the City of Hamilton et al be accepted as the property legal definition of the term "harbour headline" for the purposes of management and operation of navigation and shipping in Hamilton Harbour.

- (ii) That, therefore, the term "harbour headline" be defined as "a line established out from the shoreline beyond which breakwaters, wharfs, piers and other structures may not be built".
- (iii) That any by-law passed by the Hamilton Harbour Commissioners to establish or amend the "harbour headline" for Hamilton Harbour comply, like any other of their by-laws, with Subsection 20 (2) of The Hamilton Harbour Commissioners' Act which reads:

"No by-law shall have force or effect until confirmed by the Governor in Council and published in the Canada Gazette, and every such by-law shall, at least ten days before it is submitted to the Governor in Council, be served upon the City Clerk of Hamilton".
- (h) That City Council request the Hamilton-Wentworth Regional Police Commissioner to direct the Marine Unit of the Regional Police Department to be responsible for the testing, posting of warnings, and public announcements respecting the ice conditions in Hamilton Harbour and Cootes Paradise.

NOTE: For the information of City Council, the above recommendations are contained in the Report of the Task Force to Review the Mandate and Structure of the Hamilton Harbour Commissioners which was received by City Council at its meeting on 1989 February 28, and referred to the appropriate Standing Committees for review and recommendations back to City Council.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 15 respecting Draft Plan of Subdivision "Wentwal Estates".

Draft Plan of Subdivision - "Wentwal Estates".

The Committee APPROVED the following:

- (a) That APPROVAL be given to Subdivision Application 88-26, L. Serafini, owner, to establish a draft plan of subdivision, west of Upper Wentworth Street, north of Rymal Road, subject to the following conditions:
 - (i) That this approval apply to the plan prepared by MacKay, MacKay and Peters Ltd., dated 1988 June 16, showing 35 lots for street townhouses, one block for group townhouses and one block for commercial uses.
 - (ii) That the street be dedicated as public highway on the final plan.
 - (iii) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iv) That the final plan conform with the zoning by-law approved under The Planning Act.
 - (v) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (vii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(viii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That the subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-26), L. Serafini, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the neighbourhood plan be amended accordingly.

Site Plan Control
Application DA-88-60
- 64 Ewen Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 22 respecting Site Plan Control Application DA-88-60, for property at 64 Ewen Road.

The applicant and agent for this property were in attendance at this meeting.

It was moved by Alderman Kiss, seconded by Alderman Hinkley and carried that this matter **BE TABLED** in order that a public meeting be held on this matter.

Secretary's Note: This matter was re-considered later in the meeting.

Site Plan Control
Application DA-88-99
- 1645 Upper James
Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 21 respecting Site Plan Control Application DA-88-99, for property at 1645 Upper James Street.

The Committee then **APPROVED** the above-noted Site Plan Control Application as follows:

That approval be given to Site Plan Control Application DA-88-89 by Chrysler Canada Limited, owners of lands known as 1645 Upper James for an automobile dealership subject to the following:

- (a) Modification to the Plans in relation to notes, dimensions, an loading spaces, as marked in red on the Plans;
- (b) Dedication to the Regional Municipality of Hamilton-Wentworth of approximately 3.048m (10 feet) of land, along Upper James Street, for the purpose of a road widening;
- (c) Dedication to the City of Hamilton of the appropriate lands and the provision of the necessary agreements to establish the pedestrian walkway along the southerly property line, and to provide all costs associated with the proposed upgrading of the walkway to be the responsibility of the owner/applicant; and
- (d) Submission of a Revised Landscape Plan to the satisfaction of the Director of Local Planning, Planning and Development Department.

Site Plan Control
Application DA-88-126
- 568 James
Street North.

The Committee was in receipt of a report from the Secretary of the Planning and Development Committee dated 1989 March 9 respecting Site Plan Control Application DA-88-126, for a pylon sign at 568 James Street North. The memorandum to the Committee indicated that the applicant for this matter had requested an opportunity to speak to the Committee requesting approval. The Committee was advised by the Secretary that at its meeting on Wednesday, 1989 March 1 the Committee agreed to **DENY** this application.

The Committee was advised that Alderman Agro. had requested on behalf of the applicant that this matter be tabled and the Committee agreed to **TABLE** this matter. It was noted that this matter has already been resolved by a denial recommendation agreed to by the Committee.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 21 respecting Housing Intensification Studies - Neighbourhood Surveys.

Alderman Hinkley questioned the type of questionnaire that would be used and it was agreed that this matter **BE TABLED** in order that the questionnaire which will be used for this survey can be attached to the report for perusal by the Committee.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 22 respecting Terms of Reference - Central Area Plan Implementation Committee.

The Committee **APPROVED** the following:

That the following updated and revised Central Area Plan Implementation Committee Terms of Reference and the following List of Members be accepted and approved.

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

DRAFT TERMS OF REFERENCE

The mandate of the Committee is to advise the Planning and Development Committee on planning matters relating to the Central Area, including:

- The Central Area Plan, its update and revision;
- Strategies for implementing the policies of the Central Area Plan;
- Acting as a sounding board for development proposals;
- Co-ordinating initiatives in the Central Area;
- Monitoring Central Area matters;
- Supplying representatives to other committees to give a Central Area point of view.

Administrative

- The committee will be made up of representatives of organizations and individuals who together form a knowledgeable and balanced group.
- Changes in membership will be submitted by CAPIC to the Planning and Development Committee for approval.
- A Chairperson and Vice-Chairperson will be elected by CAPIC, one of whom will be a member of City Council.
- The Planning and Development Department will be responsible for co-ordinating the Committee.

Housing
Intensification
Studies -
Neighbourhood
Surveys.

Terms of Reference -
Central Area Plan
Implementation
Committee.

Background

- The Central Area is identified as the area bounded by Queen Street, Victoria Avenue, the Escarpment and the Bay.
- During 1979 and 1980, the Central Area Plan Advisory Committee prepared the Central Area Plan.
- In 1981, City Council adopted the plan.
- In 1983, City Council identified the need for a policy-oriented committee to implement the plan.
- The Central Area Plan Implementation Committee (CAPIC) was formed by Council in February, 1984, to concentrate on policy issues and their implementation.
- Since 1984, CAPIC has undertaken a major review of the Central Area Plan.
- Additionally, CAPIC has provided advice to the Planning and Development Committee on an ongoing basis.
- In 1988, City Council approved the revised Central Area Plan and it is in the process of being incorporated into the Official Plan.

MEMBERS - CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

Alderman David Christopherson (Chairperson) - Planning and Development Committee

Reverend Charles Forsyth (Vice-Chairperson) - First Place

Mark Boyak - Hamilton Real Estate Board

David Cohen - Corktown-Stinson Neighbourhood Association

Gloria DeSantis - Social Planning and Research Council

Russell Elman - Durand Neighbourhood

Gabriel Etele - Downtown Business Improvement Area

John Eyles - McMaster University

Ozzie Ferguson - United Senior Citizens

Arthur Lomax - Hamilton Automobile Club

Kay Nolan - Hamilton-Wentworth Roman Catholic School Board

Bruce Rankin - Hamilton Society of Architects

Gil Simmons - North End Neighbourhood

Trustee Anne Stewart - City of Hamilton

Ken Stone - Hamilton and District Labour Council

Marvin Wasserman - King Street Business Association

Start time for
Committee meetings.

Alderman Hinkley questioned the start time of the meetings at 1:00 o'clock p.m. The Committee then discussed this matter and it was agreed that the meeting time **BE AMENDED** for a start time at 1:30 o'clock p.m.

Zoning Applications.

The Committee then moved to the City Hall Council Chambers to hear Zoning Applications.

ZA-88-122 -south
of Rymal Road West
and west of
Christie Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 16 respecting Zoning Application 88-122, for property in the area south of Rymal Road West and west of Christie Street.

The Committee **APPROVED** the following:

- (a) That **APPROVAL** be given to Official Plan Amendment No. 73 to redesignate the subject lands from "Major Institutional" and "Open Space" to "Residential", and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That **APPROVAL** be given to Zoning Application 88-122, Wardpark Developments Inc., owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected residential, etc.) District to permit a subdivision for single-family detached dwellings, for property located in the area south of Rymal Road West and west of Christie Street, as shown on the attached map marked **APPENDIX "A"**, on the following basis:
 - (i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9E and W-17E for presentation to City Council;
 - (iii) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 73 by the Regional Municipality of Hamilton-Wentworth.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located in the area south of Rymal Road West and west of Christie Street.

The effect of the By-law is to permit the subdivision of the subject lands into building lots for single-family detached dwellings.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 21 respecting Zoning Application 88-132, for property at 294-298 Lake Avenue North.

ZA 88-132 -
294-298 Lake
Avenue North.

The Committee **APPROVED** the following:

- That **APPROVAL** be given to Zoning Application 88-132, B. and K. Willgren, owners, for a change in zoning from "JJ" (Restricted Light Industrial) District to the "KK" (Restricted Heavy Industrial) District, for the southerly part of property known as 294-298 Lake Avenue North, as shown on the attached map as **APPENDIX "B"**, on the following basis:
- (a) That the subject lands be rezoned from "JJ" (Restricted Light Industrial) District to "KK" (Restricted Heavy Industrial) District;
 - (b) That the "KK" (Restricted Heavy Industrial) District regulations as contained in Section 17A of Zoning By-law No. 6593 be amended to include the following variance as a special provision:
 - (i) That notwithstanding Section 17A(1)(3) and Section 16A(3)(c) a rear yard of a width of at least 7.6 metres (24.9 feet) shall be provided and maintained;
 - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1118, and that the subject lands on Zoning District Map E-113 be notated S-1118;

- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law 66-323, and Zoning District Map E-106 for presentation to City Council; and,
- (e) That the proposed By-law is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to amend By-law No. 66-323 respecting property located at 2825 King Street East.

The effect of this By-law is to delete the existing Site Plan, due to a future road widening along the subject property. In addition, the By-law prohibits vehicular access to or egress from Owen Place. It should be noted, that any future development on the remaining subject lands will be subject to Site Plan Control, and the "E-2" (Multiple Dwellings) District regulations.

ZA 88-28 -
1002 West 5th
Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 17 respecting Zoning Application 88-28, for property at 1002 West 5th Street.

Alderman Ross asked that this matter **BE TABLED** to the next meeting of the Committee (1989 April 12) since the applicant was not in attendance and he felt it was only fair to hear the applicant's view on why this matter should be approved in view of the staff recommendation to deny the application. It was agreed that re-circularization does not need to be done on this matter but that the applicants should be advised of this re-hearing at the April 12th meeting.

ZA 89-03 -
11 Cannon Street
West (formerly
13 Cannon Street
West)

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 22 respecting Zoning Application 89-03, for property at 13 Cannon Street West. The Committee was advised that this municipal number has now been changed to number 11.

The Committee then **APPROVED** the following:

That **APPROVAL** be given to Zoning Application 89-03, John Cvetkovic, owner, for a change in zoning from "L-c" (Planned Development-Commercial) District to "H" (Community Shopping and Commercial, etc.) District for the property located at 11 Cannon Street West (formerly 13 Cannon Street West), as shown on the attached map marked as **APPENDIX "E"**, on the following basis:

- (a) That the subject lands be rezoned from "L-c" (Planned Development-Commercial) District to "H" (Community Shopping and Commercial, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-4 for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "L-c" (Planned Development-Commercial) District to "H" (Community Shopping and Commercial, etc.) District, for the property located at 11 Cannon Street West (formerly 13 Cannon Street West).

The effect of the By-law is to permit a restaurant on the ground floor and three (3) residential dwelling units within the existing building.

Amended ZA 89-01 -
rear of 1565 Upper
James Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 22 respecting Amended Zoning Application 89-01, for property at the rear of 1565 Upper James Street.

The Committee APPROVED the following:

That APPROVAL be given to Amended Zoning Application 89-01, 673833 Ontario Limited (F. Tchamitchi), owner, requesting changes in zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District (Block "1") and "HH" (Restricted Community Shopping and Commercial, etc.) District (Block "2"), and from the "AA" (Agricultural) District, modified to the "HH" (Restricted Community Shopping and Commercial, etc.) District (Block "3") to permit development for single-family detached dwellings on lands shown as Block "1" and commercial development for lands shown as Blocks "2" and "3", located at the rear of 1565 Upper James Street, as shown on the attached map marked as APPENDIX "F", on the following basis:

- (a) That the lands shown as Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the lands shown as Block "2" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District;
- (c) That the lands shown as Block "3" be rezoned from "AA" (Agricultural) District, modified to "HH" (Restricted Community Shopping and Commercial, etc.) District;
- (d) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands shown as Blocks "2" and "3", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 18A(12)(c), a visual barrier not less than 1.8m and not greater than 2.0m in height contained within a 9.1m wide landscaped strip shall be provided and maintained along the easterly lot line of the commercial zoning district; and,
 - (ii) That no access shall be permitted on the easterly lot line of the commercial zoning district.
- (e) That the amending By-law be added to section 19B of Zoning By-law No. 6593 as Schedule S-1119, and that the subject lands on Zoning District Map E-9D be notated S-1119;
- (f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D;
- (g) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (h) That the approved Ryckmans Neighbourhood Plan be amended by redesignating the easterly portion of Block "2" from "Attached Housing" to "Commercial".

NOTE: The purpose of this By-law is to provide for changes in zoning for lands located at the rear of 1565 Upper James Street, on the following basis:

- (a) Block "1" - From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) Block "2" - From "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District; and,

- (c) Block "3" - From "AA" (Agricultural) District, modified to "HH" (Restricted Community Shopping and Commercial, etc.) District.

The effect of the By-law is to permit development for single-family detached dwellings on Block "1", and retail-commercial development on Blocks "2" and "3".

In addition, the By-law provides for the following additional regulations:

- (a) to require a visual barrier not less than 1.8m and not greater than 2.0m in height contained in a 9.1 m landscaped strip to be provided and maintained along the easterly lot line of the commercial development, whereas no landscaped provisions are required; and,
- (b) to prohibit access on the easterly side of the commercial development.

ZA 89-05 -
10 Herkimer Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 21 respecting Zoning Application 89-05, for property at 10 Herkimer Street.

Report of the circularization was given as follows:

864 notices sent 69 in favour 29 opposed

The Committee was also in receipt of letters of submission from the following:

- (a) Mr. H. T. Brown, 34 Daffodil Crescent, Ancaster
(b) Mr. J. Grant and Mr. J. White, 250 James Street South
(c) Ms. Mary Lou Tanner, 201-45 Charlton Avenue West
(d) Mr. J. P. Van Ryn, 370 Main Street East
(e) Mr. & Mrs. Steller, Applicants.
(f) The Director of Placement Coordination Service of Hamilton-Wentworth
(g) The Director of the Seniors Activation Maintenance Program of Hamilton Inc.
(h) Mr. D. R. Walker, 62 Enmore Drive, Ancaster
(i) Area Director, The Canadian Red Cross Society
(j) Pharmacist - Durand Seniors Residence
(k) Mrs. Mills, 155 Park Street South
(l) Director of Volunteer Services, Amity Goodwill Industries
(m) Mrs. Lois MacKenzie, 2114 Agincourt Crescent, Burlington
(n) Mrs. Barbara duBois, 13 Herkimer Street
(o) Mrs. Groves, 40 Lake Avenue Drive, Stoney Creek
(p) Dr. Magda, 8 Neyer Street
(q) Peter L. Hill, President, Durand Neighbourhood Association Inc.

The Committee also heard from Mr. Schriver, 192 Bold Street who spoke that he was not specifically opposed to the application but was concerned at inadequate parking that exists now and what this application, if approved, would do to the parking situation. He also spoke at the situation of over intensification and again questioned this trend.

Mr. Hartley, representing the Durand Neighbourhood Association spoke to the Committee and asked for tabling of this application.

Mr. Steller, applicant, spoke to the Committee and asked for this matter to be tabled in order that they could discuss their application with the Durand Neighbourhood Association and look for other options which would be more acceptable to the Neighbourhood.

The Committee then agreed to **TABLE** this application.

It was agreed that if the new proposal differs significantly from the original application that a new application would be necessary.

It was moved by Alderman Christopherson, seconded by Alderman Ross and carried to **RECONSIDER** the Committee decision on Item No. 5 of the Agenda respecting Site Plan Control Application DA-88-60, for lands at 64 Ewen Road.

Alderman Christopherson spoke to the Committee on this matter and asked that the tabling motion be repealed and that the application be approved in order that the applicants not be delayed in their project.

General discussion then ensued on this matter and Alderman Kiss spoke in support of the previous tabling motion to allow her to hold a public meeting.

The Committee then agreed to **APPROVE** the Site Plan Control Application for property at 64 Ewen Road as follows:

That approval be given to Site Plan Control Application DA-88-60 by Mr. Juergen Lebrecht, c/o Aries Construction, owners of lands known as 64 Ewen Road for a warehouse and construction complex, subject to the following:

- (a) Modification to the Plan in relation to notes, dimensions and landscaping as marked in red on the Plan.
- (b) Submission of a Revised Grading Plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.
- (c) Approval by the Committee of Adjustment for the following variances:
 - (i) To permit a reduced lot width of 20.117m (65.61 feet) minimum instead of the required 30.0m (93.42 feet) minimum.
 - (ii) To permit a northerly side yard of 1.0m (3.28 feet) minimum instead of the required 2.01m (6.56 feet) minimum.
 - (iii) To permit the 6.0m (20.0 feet) access driveway to have a zero clearance from the common boundary with the residential district instead of the required 3.0m minimum.
 - (iv) To delete the required 7.5m minimum rear landscape area where the lot abuts the "A" Zoning District.
 - (v) To permit the loading space in the required side yard, 1.5m minimum from the adjacent residential district instead of the required 7.5m minimum requirement.
 - (vi) To provide 6 parking spaces on the lot instead of the required 8 parking spaces based upon ratio of office area to warehouse area.

Recorded vote: Yeas - Smith, Christopherson, Ross, McCulloch, Lombardo.

Nays - Hinkley, Kiss.

Reconsideration -
Item 5 on the
Agenda - Site Plan
Control Application
DA 88-60 - 64 Ewen
Road.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1989 March 29

Friday, 1989 April 7
9:00 o'clock p.m.
Room 233, City Hall

A Special Meeting of the Planning and Development Committee was held.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Alderman M. Kiss
Alderman D. Ross
Alderman D. Christopherson
Alderman W. McCulloch

Regrets: Mayor Robert M. Morrow - Civic Business
Alderman B. Hinkley - Vacation
Alderman H. Merling - Vacation

Also present: Alderman V. Agro
Alderman J. Gallagher
Mr. D. Vyce, Director of Property
Mr. E. Matthews, City Treasurer
Mr. D. Powers, City Solicitor's Office
Mr. J. Prypasniak, Weir & Foulds
Mr. L. Landa, Lakeview
Mr. J. McJannet, McJannet, Weinberg, Rich,
Barristers & Solicitors, Lakeview
Mr. D. Irwin, Lakeview
Mr. W. David McCordic, McMillan, Binch,
Barristers & Solicitors, GGS Co. Ltd.
Ms. S. Allen, McMillan, Binch, Barristers &
Solicitors, GGS Co. Ltd.
Mrs. Susan K. Reeder, Secretary

The Committee agreed to move **IN CAMERA** to receive documents of a Private and Confidential nature.

The Committee discussed this matter at great length and then moved **OUT OF CAMERA** into regular session and **APPROVED** the following recommendation:

- (a) That an Agreement incorporating the provisions set out in a Draft Agreement annexed hereto and marked **APPENDIX "A"** entitled Assignment of Ground Lease between Lakeview Development Ltd. as "Assignor", GGS Hotel Holdings Canada Inc., as "Assignee" and The Corporation of the City of Hamilton as "Lessor" with respect to an assignment of the Ground Lease between the City and Lakeview affecting the "Hotel lands" with Phase 3 of L. D. Jackson Square BE **APPROVED** and that the Mayor and City Clerk be authorized to execute this Agreement.
- (i) That the City of Hamilton **ENTER INTO** an Indemnity Agreement incorporating the provisions set out in a Draft Agreement annexed hereto and marked **APPENDIX "B"** with GGS Co. Ltd., which provides in effect that GGS Co. Ltd., the parent Company of GGS Hotel Holdings Canada Inc. will perform the obligations of GGS Hotel Holdings Canada Inc. under the Ground Lease in the event of a default by GGS Hotel Holdings Canada Inc. and that it will save the City harmless from any loss, costs, claims, demands or damages arising out of any failure by GGS Hotel Holdings Canada Inc. to perform the terms and conditions of the Ground Lease, and that the Mayor and City Clerk be authorized to execute this Agreement.
- (ii) That the City of Hamilton **RETURN** a Letter of Credit it is holding in respect of a prepayment of rent received by Lakeview pursuant to a Sublease registered on 1984 December 31, after a good and valid surrender of the Sublease is registered on title to the Leased Premises.

**Meeting moved
IN CAMERA.**

**Regular
Session.**

- (b) That The Corporation of the City of Hamilton ENTER INTO a Lease Amending Agreement incorporating the provisions set out in a Draft Agreement annexed hereto and marked **APPENDIX "C"** with Lakeview Development Limited, First Phase Civic Square Limited, Second Phase Civic Square Limited, Fourth Phase Civic Square Limited, GGS Hotel Holdings Canada Inc. and King Street Hamilton Hotel Limited Partnership which will provide that Lakeview pay to the City the sum of \$200,000. in exchange for an absolute release by the City in favour of Lakeview's obligations to enter into a Sublease with the City of the Hotel Parking as contemplated by the Ground Lease, the Interface Agreement and the Development Agreement and that the Mayor and City Clerk be authorized to execute this Agreement.
- (c) That The Corporation of the City of Hamilton ENTER INTO the Pedestrian Bridge Agreement incorporating the provisions set out in a Draft Agreement annexed hereto and marked **APPENDIX "D"** with Lakeview Development Ltd., and Lakeview Development Ltd. and King Street Hamilton Hotel Limited Partnership for the purpose of granting an easement to the City in the Schedule "A" Leasehold land to construct, maintain and operate a climate controlled pedestrian bridge over King Street West, Hamilton, to connect the Plaza Level of the Hotel, adjacent L.D. Jackson Square facilities and premises of the City's Convention Centre and the Mayor and City Clerk be authorized to execute this Agreement. The Agreement also provides for the hours of operation and the division of annual maintenance costs (94% City - 6% Lakeview). Furthermore, the Pedestrian Bridge Agreement authorizes an Agreement under which GGS Hotel Holdings Canada Inc. shall assume Lakeview's obligations.
- (d) That The Corporation of the City of Hamilton ENTER INTO the Truck Tunnel Easement Agreement incorporating the provisions set out in a Draft Agreement annexed hereto and marked **APPENDIX "E"** with Lakeview Development Ltd., and Lakeview Development Ltd. and King Street Hamilton Hotel Limited Partnership for the purpose of the City granting to Lakeview and King Street Hamilton Hotel Ltd. an easement to enter onto and use the new truck route beneath Copps Coliseum as a right-of-way for vehicular access only in a one way direction for the purpose of providing access to the loading docks for Lakeview and its suppliers. The easement will be enjoyed and used during the term of the Ground Lease (less one (1) day) (1983 May 3 to 2069 October 30). It is further recommended that the Mayor and City Clerk be authorized to execute this Agreement. The Truck Tunnel Easement Agreement also authorizes an Agreement under which GGS Hotel Holdings Canada Inc. shall assume Lakeview's obligations.

NOTE: The two Agreements referred to in Sections (c) and (d) above shall be entered into with GGS Hotel Holdings Canada Inc. if these agreements are executed after the King Street Hotel Limited Partnership Sub-lease is terminated and after a survey required under the Bridge Agreement is completed.

- (e) That The Corporation of the City of Hamilton ENTER INTO a Hotel Management Amending Agreement incorporating the provisions set out in a Draft Agreement annexed hereto and marked **APPENDIX "F"** with Lakeview Development Ltd., GGS Hotel Holdings Canada Inc. and King Street Hamilton Hotel Limited Partnership which provides for a change in the hotel management responsibility from Lakeview as Hotelier to Lakeview in its capacity as manager for and on behalf of GGS Hotel Holdings Canada Inc., the prospective owners of the Hotel and that the Mayor and City Clerk be authorized to execute this Agreement.
- (f) That The Corporation of the City of Hamilton ENTER INTO an Assignment of Interface Agreement incorporating the provisions set out in a Draft Agreement annexed hereto and marked **APPENDIX "G"** with Lakeview Development Ltd., GGS Hotel Holdings Canada Inc., Second Phase Civic Square Limited and Fourth Phase Civic Square Limited which provides for an assignment of the existing Interface Agreement with Lakeview to GGS and a covenant by GGS to fulfil all the terms, covenants and conditions of the Interface Agreement and that the Mayor and City Clerk be authorized to execute this Agreement.
- (g) That The Corporation of the City of Hamilton ENTER INTO a Release Agreement incorporating the provisions set out in a Draft Agreement annexed hereto and marked **APPENDIX "H"** with Citibank Canada and Lakeview Developments Ltd. which provides for the release of all rights and obligations of the Bank effective 1985 August 23 from the Citibank Agreement since the Bank has been repaid in full for any monies advanced by the Bank to Lakeview and there are not outstanding obligations to the City by the Bank under the Citibank Agreement and that the Mayor and City Clerk be authorized to execute this Agreement.
- (h) That the Certificate of Final Completion incorporating the provisions set out in a Draft Certificate annexed hereto and marked **APPENDIX "I"** **BE ISSUED** by The Corporation of the City of Hamilton to GGS Hotel Holdings Canada Inc. and Lakeview Development Ltd. recognizing that the Hotel Improvements have been completed in conformity with the Final Working Drawings and specifications and the Developer has installed the furnishings, fixtures and equipment and has otherwise complied with the opening requirements as set out in Schedule "K" of the Development Agreement.
 - (i) That Mr. D. W. Vyce, Co-ordinator of the Lloyd D. Jackson Square as Chairman of the Review Authority and Alderman W. M. McCulloch, as a Member of the Review Authority be authorized to execute the Certificate of Completion on behalf of the City.
- (i) That the Corporation of the City of Hamilton ISSUE an Estoppel Certificate incorporating the provisions set out in a Draft Certificate annexed hereto and marked **APPENDIX "J"** to GGS Hotel Holdings Canada Inc. and GGS Co. Ltd. certifying that the City's Development Agreement and Ground Lease with Lakeview are in good standing, subject to the Agreements mentioned therein being registered by Lakeview and that the Mayor and City Clerk be authorized to execute this Certificate.

- (j) That the Certificate regarding the "Original Development Agreement" incorporating the provisions set out in a Draft Certificate annexed hereto and marked **APPENDIX "K"**, **BE ISSUED** by the Review Authority on behalf of the City certifying that the Developer, Greater Hamilton Developers Limited has no outstanding obligations with regard to the property upon which the Sheraton Hamilton Hotel is situated, under the Original Development Agreement, save as set out in the Interface Agreement or contained in the Ground Lease between the City and Lakeview.
- (i) That Mr. D. W. Vyce, Co-ordinator of the Lloyd D. Jackson Square be authorized to execute this Certificate on behalf of the City as a member of the Review Authority.
- (k) That a Certificate on General Matters incorporating the provisions set out in the Draft Certificate annexed hereto and marked **APPENDIX "L"**, **BE EXECUTED** by the Mayor and City Clerk to approve proposed alterations to the Hotel's Banquet facilities and to confirm the status of several previous agreements with Lakeview Development Limited.
- (l) That the City Treasurer **BE DIRECTED** to invest the lump sum payment of \$200,000. for the highest possible compound value.

Recorded vote: Yeas - Smith, Lombardo, Christopherson, McCulloch, Ross

Nays - Kiss

It was indicated that this matter would be presented to Hamilton City Council for approval on Tuesday, 1989 April 11.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1989 April 7

FOR ACTION

2.

REPORT TO: The Planning and Development Committee

FROM: P. Kuppe, Building Commissioner

DATE: April 19, 1989

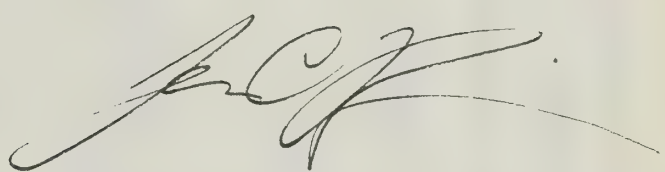
COMM. FILE:

DEPT. FILE:

SUBJECT:

Demolition

RECOMMENDATION:

A handwritten signature in dark ink, appearing to be 'P. Kuppe', is written over the recommendation section.

That the Building Commissioner be authorized to issue demolition permits for the following properties: -

- A. 318 Jackson Street West
- B. 882 Upper Wentworth Street

FINANCIAL IMPLICATIONS: N/A

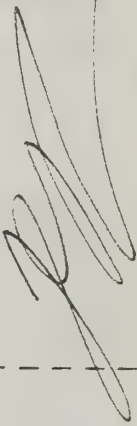
BACKGROUND:

For background information see attached sheets.

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

| ITEM | ADDRESS | PRESENT USE | PROPOSED USE | LOT SIZE | OWNER | ZONE | RECOMMENDATION |
|------|-------------------------|-------------|---|---------------------|----------------------------------|------------|---|
| 1. | 318 Jackson St.
West | S.F.D. | Addition to
S.F.D. @
84 Pearl St.
S. | 39.83' X
52.13' | W. Simpson | "D" | It is recommended that Committee approve demolition. |
| 3. | 882 Upper
Wentworth | S.F.D. | Commercial | 58.00' X
251.00' | Bariview Developments
Limited | "HH/S-922" | It is recommended that Committee approve demolition.
NOTE: House is being moved to
230 Eleanor Avenue. |


 L.C. King, P. Eng.,
 Deputy Building Commissioner

F O R A C T I O N

3.

REPORT TO: Susan K. Reeder, Secretary
Planning & Development Committee

FROM: E. W. Kowalski, Director
Department of Community Development

DATE: 1989 April 17
DEPT FILE: 800-0300

SUBJECT: Ontario Home Renewal Programme (O.H.R.P.)

RECOMMENDATION:

That the Director of Community Development be authorized to process the following grant/loan(s) in the amounts not to exceed \$7,500. The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND:

The applications listed below are currently being processed for a grant and/or loan pursuant to an amendment to The Housing Development Act, Regulation 506 (R.R.O. 1980).

For the information of the members of the Committee, the total number of applications to date under the Ontario Home Renewal Programme is three thousand, eight hundred and fifty (3,850).

- (a) Hugh & Verna Adams
603 Queensdale Ave. E.
- (b) Stephen & Margaret Mark
9 Coral Drive
- (c) William & Helen Stewart
19 East 15th Street
- (d) Maria Hanas
179 West 26th Street



CITY COUNCIL
HAMILTON, CANADA

4.
Alderman Dominic Agostino

71 MAIN STREET WEST L8N 3T4 • (416) 526-2732 • RES. (416) 574-0179 — WARD 5

MAR 3 1989

1989 February 27

Ms. S. Reeder, Secretary,
Planning and Development Committee

Dear Susan:

Can you please place an item regarding controls of satellite dishes placed on the agenda for the Planning and Development Committee and can you please ensure that we have available any background material from Building and Planning regarding this item.

Thank you for your attention to this matter.

Sincerely,

Dominic Agostino, Alderman,
Ward 5

DA:tb

FOR INFORMATION

4a.

REPORT TO: Planning & Development Committee

FROM: Paul Kuppe, P.Eng.

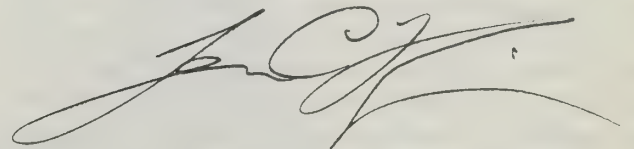
DATE: April 6, 1989

COMM. FILE:

DEPT. FILE: 89.2.4.2.1

SUBJECT: Control of Satellite Dishes

APR 6 1989



BACKGROUND:

Television satellite dishes are considered accessory structures. The location of accessory structures are controlled by Zoning By-law #6593. Section 3(3)(xxix) allows "any accessory building, structure, or use not contrary to law save as otherwise provided or limited by this by-law".

The definition of accessory is as follows:-

"Accessory" shall mean normally and customarily incidental, subordinate and exclusively devoted to a principal use, building or structure, and located on the same lot therewith;

When a television satellite dish is erected on a property it must, therefore, meet yard requirements for an accessory building. If the satellite dish is located on the building, then it is considered part of the principal building and must meet the yard requirements of the principal building in the particular zoning district.

The height of a television satellite dish located either independently or on a principal building is not restricted as per sentence 3(4) of Zoning By-law #6593:-

- 3(4) The provisions of this By-law shall not apply to limit the height of any silo, windmill or other farm building or structure, or of any belfry or church spire, or of any ornamental dome, cupola, or clock tower, or communications transmitting and receiving antennae, tower or mast.

PCL/dm
Encl.

planning issue

INFO-SHEET 4



Ministry of
Municipal
Affairs

Ontario

John Eakins, Minister

88.4.21

JUNE 1988

SATELLITE DISHES



A satellite dish is a round, parabolic antenna for the reception of signals from a satellite; its shape and size, ranging from 2 m to 6 m in diameter, distinguish it from a standard television antenna. Large satellite dishes, in excess of 4 metres, are usually for a commercial use such as a broadcasting station.

Dish antennas were first marketed for residential use in 1980 and their popularity has increased rapidly. The price of a standard residential dish decreased significantly (from approximately \$6,000.00 to \$2,000.00) as improved technology permitted the size to be reduced. However, as more satellites are placed in orbit, interference problems could have the effect of requiring larger dishes to maintain good reception. Design innovations now make it possible to produce flatter dishes; some can be recessed into the roof of a structure and the latest design can be wall mounted and painted to match its background. At least for the present, these special designs are more costly than the standard dishes.

Satellite dishes were soon perceived as a planning problem. An aesthetic concern is immediately obvious. In addition, view obstruction and the shading of neighbouring properties have been cited. The issue has had a particular impact on rural municipalities where cable television is not available. Where

cable television is available, the relatively high cost of a dish antenna is likely to make it an uneconomical alternative.

In the planning response to satellite dishes, the distinction between regulation and prohibition is crucial. Consequently, the municipal authority to regulate satellite dishes will be discussed separately from the authority to prohibit them from certain areas.

1. MUNICIPAL AUTHORITY TO REGULATE "DISHES"

The municipal authority to regulate the height, bulk, location, spacing and type of construction of structures is contained in the zoning power in Section 34(1) of the Planning Act, 1983. The legislative competence of municipalities to regulate dish antennae has been questioned because radiocommunications is exclusively in the federal domain. Antennae are governed by regulations pursuant to the Radio Act.^{*} However, the federal Department of Communications has stated that:

^{*} Unlike transmission towers, TV dishes are not subject to a federal licence.

"...a properly framed municipal by-law dealing with local zoning and relating only incidentally to radiocommunications may co-exist with federal legislation provided the by-law neither prohibits nor unduly restricts the conduct of radio services or the operation of federally-licensed radio stations. Thus, municipal by-laws of general application which relate only incidentally to radiocommunication enable municipalities to exercise their authority with respect to land use control." (1)

A study undertaken for the Department of Communications in 1987 (2) adopts the above reasoning and goes on to suggest that, where a strong and compelling local interest exists in the aesthetic character of an area, (i.e. residential, heritage or developed recreational area), a local government may require reasonable accommodations to the siting, painting or screening of dish antennae and their support structures. Such restrictions should be acceptable so long as the operative capacity of the antenna is not restricted or impaired and the cost of compliance is not unreasonable. Generally, the study notes that municipal rules may not limit the height of an antenna system, for aesthetic or any other purpose. However, since height *per se* is not related to the operative capacity of a satellite dish, height restrictions used to refine the siting of a parabolic satellite dish would be an exception to that general principle.

Municipalities seem to have taken two very different approaches in dealing with the concern that their zoning regulations might be deemed an infringement of federal jurisdiction. Some zoning bylaws make no mention of satellite dishes but the assumption is that they are covered under the general term "structures". This approach considers the omission of specific reference to satellite dishes to be the clearest way of showing that the regulations relate only incidentally to radio-communications. The municipal board decision summaries from Wilmet and Hamilton cited in this info-sheet illustrate two different responses to this approach.

The other approach is to include a definition and specific regulations applicable to dish antennas. A few examples of such zoning provisions are given below. The legal decision from Saint Lambert, Quebec seems to support this approach.

2. MUNICIPAL AUTHORITY TO PROHIBIT "DISHES"

Any attempt to prohibit the erection of satellite dishes altogether is likely to be successfully challenged as an infringement on federal jurisdiction. This would be equally true if the prohibition were limited to residential zones.

It is possible that regulatory provisions may be so restrictive that they make it practically impossible to erect a dish antenna, at least on some lots. The distinction between "regulation" and "prohibition" may not always be clear-cut and a challenge to particular zoning restrictions imposed on satellite dishes is always within the realm of possibility.

3. EXAMPLES OF ZONING PROVISIONS

i) City of North York, By-law Number 29467

Definition

'Satellite Signal Broadcast or Receiving Dish' shall mean any device used or intended to be used to send or receive signals to or from satellites."

Regulatory Provisions

TV Dishes are permitted in all zones. On lands in or abutting one-family detached dwelling zones, they may not exceed a height of 16.6 metres. In a one-family detached dwelling zone: "Satellite Signal Broadcast or Receiving Dishes shall be permitted only in rear yards provided such dishes are not located closer to any lot line than a distance equal to the greater of the diameter of the Satellite Signal Broadcast or Receiving Dish or the minimum yards required for a one-family detached dwelling in the zone."

ii) City of Sarnia, By-law Number 8654

Definition

"Satellite Dish" means a device designed to receive communication signals from a satellite."

Regulatory Provision

"An accessory building which is a satellite dish shall not be located within the side yard of a residential property or within that portion of a residential property between the street line and the front wall of the main building on the site and extending across the full width of the site."

iii) City of Niagara Falls, By-law 82-284

Definition

"TV dish antenna means an antenna intended for or capable of being used for receiving or collecting television signals and which has dimensions of not less than the following:

- a) where the antenna is circular in shape, a diameter of 1.0 metre,
 - b) where the antenna is not circular in shape, a width of 1.0 metre, and a length of 1.0 metre,
- and includes all mounts and other members."

Regulatory Provision

Accessory Buildings and Accessory Structures:

"... no person shall erect a TV dish antenna in a front yard, an exterior side yard or an interior side yard of any lot in any residential zone, DH Zone or R Zone."

iv) Town of Whitchurch-Stouffville By-law 87-34

General Provisions:

"Dish Antennae

No dish antenna shall be located in a Front or Minimum Side Yard, or at such an elevation that the top of the dish antenna is higher than the Main Building on the lot on which the dish antenna is situated."

**v) Township of King, By-law 86-141
Height Exceptions**

Notwithstanding the height provisions herein contained, nothing in this by-law shall apply to prevent the erection of...a flag pole...a barn...etc or a television tower or antenna but shall not include a satellite dish within any Urban, Residential Hamlet or Residential Estate zone, or any lot within any other zone used for residential purposes which is 0.8 hectares or less, and such satellite dish shall not exceed 4.5 metres in height.

No objections were raised to any of the above provisions when they were introduced. Consequently, they have not been subjected to municipal board scrutiny.

4. MUNICIPAL BOARD AND LEGAL DECISIONS

TV Dish Antenna not in Contravention of Wilmot By-law

When a resident of the Township of Wilmot erected a television dish antenna in his front yard, complaints reached the municipal office and the owner of the dish was told he had contravened the zoning by-law. He thereupon applied to the

committee of adjustment for a minor variance, which was refused.

An appeal from the committee's decision resulted in a municipal board hearing. The board examined the zoning by-law and found that the front yard was defined by reference to the "building line". The board was quite unable to agree with the township that the antenna could be considered a "building" within the definition in the by-law. The township also tried to persuade the board that the word "accommodation" in the by-law included a dish antenna since it "accommodates" the property owners. This didn't wash either. Finally, reference was made to the prohibition of any obstruction in the area between the street and the building line. However, the board noted the lack of a definition for the word "obstruct" and referred to photographic evidence of trees and shrubs throughout the neighbourhood, which were obviously not considered obstructions.

On May 27, 1983, the board dismissed the appeal on the grounds that no variance was required to allow the television dish antenna to remain.

Source: Ontario Municipal Board Reports
Kuhr v Township of Wilmot
15 O.M.B.R. 451

Satellite Dish Antenna in Hamilton Front Yard

A television satellite receiver in the front yard of a Hamilton suburban dwelling was not appreciated by several neighbours, one of whom described the neighbourhood as "a contemporary planned community wherein high standards of residential amenities are the norm". The owner was told that a minor variance was required if the dish was to remain in place and an application was duly submitted. The application was refused and the committee's decision was appealed.

At the Board hearing, the neighbours pointed out that there are no wires or cables visible in their community. The dish was 10 feet in diameter, atop a 5 foot pole, making it 15 feet high. It was described as out of character with the neighbourhood. A satellite dish is not defined in the zoning by-law but the Board deemed it to be an "accessory building", by analogy with such facilities as pumping and filtering facilities and air conditioning or heat pump units. "Accessory buildings" are prohibited from front yards; they are only permitted within a rear yard. The Board referred to the official plan which talks of striving for compatibility within residential districts. The proposed satellite dish location would be a visual intrusion upon the character of the streetscape and would conflict with that intent.

On February 9, 1987, the Board concluded that the requested variance was not minor. The appeal was dismissed.

Source: Decision of the Ontario Municipal Board
Gauthier, City of Hamilton C. of A.
File V 860426

Dishes are art to alderman
Even though satellite dishes have been outlawed by the federal government, Councilman Bob Young is putting them back in the "dish contraptions" kept in his back yard. Young's recommendation that dishes be banned from front yards is based on the fact that dishes are unsightly and clutter the landscape. He also says that dishes are a visual intrusion on the character of the neighbourhood. Young is planning to bring a public hearing on the matter to the council.

Satellite dishes Village to regulate
The Village of North York is preparing to do the dishes. The village council will make a recommendation to the township to make a by-law to regulate the installation of dishes. The by-law would require that dishes be installed in a way that they do not obstruct the view of the street. The village also wants to ensure that dishes are not installed in front yards.

9-foot Satellite dish in front yard
A 9-foot satellite dish is being installed in the front yard of a house in the Village of North York. The dish is being installed by a company that specializes in satellite dishes. The company says that the dish is necessary for the house to receive satellite television signals. The village council is considering whether to allow the dish to be installed in the front yard.

Satellite TV no longer just rich man's toy
Satellite television is no longer just a luxury for the rich. It is now becoming more affordable and is being used by a wider range of people. This has led to an increase in the number of satellite dishes being installed in homes. The village council is considering whether to regulate the installation of these dishes.

North York satellite dishes could face ban
North York wants to restrict satellite dishes in residential areas to back yards and control their height and location. The village council is considering a by-law that would ban satellite dishes from front yards. The by-law would also limit the height of dishes to 10 feet and require that they be painted to match the house.

Dish bylaws may be illegal
By RANDY L. HANCOCK
The Village of North York may be in violation of the federal government's decision to allow satellite dishes in front yards. The village council's attempt to ban dishes from front yards could be challenged in court.

Satellite dishes selling briskly
Satellite dishes are selling briskly in the Village of North York. This is due to the fact that satellite television is becoming more popular. Many people are installing dishes in their homes to receive satellite signals. The village council is considering whether to regulate the installation of these dishes.

Angers no longer just rich man's toy
Satellite television is no longer just a luxury for the rich. It is now becoming more affordable and is being used by a wider range of people. This has led to an increase in the number of satellite dishes being installed in homes. The village council is considering whether to regulate the installation of these dishes.

Invasion of the Satellite Earth Stations
Reports are coming in from all over the world that satellite dishes are being installed in front yards. This is causing a problem for many people who live in front yards. They feel that the dishes are a visual intrusion on the character of the neighbourhood. The village council is considering whether to regulate the installation of these dishes.

Aesthetically Motivated Restrictions on Saint Lambert Dish Antennae are O.K.

Claude St-Jean was accused of having an illegal TV dish antenna attached to the roof of his house, contrary to article 2.7.6 of by-law 1152 of the Town of Saint-Lambert, Quebec. His defence was based on the claim that the by-law was not authorized by the enabling legislation and that, furthermore, it was an invasion of federal jurisdiction.

A municipal court judge reviewed the Town's bylaw, which differentiates between buildings of less than four storeys and taller buildings. The former are only permitted to have dish antennas in their rear yard, provided the diameter is no greater than one metre. Buildings of at least four storeys are permitted one dish antenna of up to 2.2 metres, either on the roof or in the rear yard. Furthermore, a telecommunications company and any enterprise in an industrial zone is permitted a dish antenna of not more than 5 metres.

The court took note that dish antennae were widely permitted and the by-law only restricted their diameter and their location. It failed to see how this could be unconstitutional. The by-law was clearly not aimed at regulating telecommunications. It did not seem to the court that the by-law had the effect of limiting or restricting the scope of any possible federal regulation.

By limiting the size of the dish antennae and their location on the lot, article 2.7.6 is obviously aimed at protecting the streetscape.

The court went on to decide that article 2.7.6 was clearly authorized by the provincial planning act (*Loi sur l'aménagement et l'urbanisme*) which provides for zoning restrictions bearing on "... architecture, symmetry and the external appearance of buildings and structures; the grouping of buildings and structures on a lot; the exterior building facing materials;"

On July 16, 1986, the municipal court concluded that article 2.7.6 was only aimed at an aesthetic purpose, being part of the section entitled "Architectural Control". It was a valid exercise of the power conferred on the Town of Saint-Lambert by the provincial legislation. The defendant was found guilty. On

appeal, the decision was upheld by the Quebec Supreme Court on February 28, 1987.

Source: Decision of the Cour Municipale, Ville de Saint-Lambert
Saint-Lambert v. Claude St-Jean
Files 5-3773 to 5-3777

5. CONCLUSIONS

- Local by-laws may co-exist with federal regulations, as long as the local by-laws relate only incidentally to telecommunications.
- Although some people consider satellite dishes a form of urban sculpture, much of the opposition to them seems to be based on the opinion that they are unsightly. Overt recognition of an aesthetic basis for a municipal zoning regulation is usually avoided in Ontario. Such restrictions are vulnerable to challenge due to the subjective nature of the basis.
- Obstruction of view and other concerns applicable to structures on residential lots are an appropriate basis for municipal zoning regulation of satellite dishes.
- Some municipalities have decided that the best way to deal with satellite dishes is not to mention them specifically but to assume they are subject to any general zoning restrictions applicable to structures.
- Any attempt to prohibit satellite dishes entirely is doomed to failure.
- Problems with TV dish antennas may subside with the growth of cable television and a reduction in the size of future dishes; however, it is conceivable that certain technological developments could have the opposite effect.

References

(1) Letter from the office of the Minister of Communications to Ken Whitbread, Niagara Escarpment Commission staff, November 22, 1983.

(2) Canadian Municipalities and the Regulation of Radio Antennae and their Support Structures.

A study prepared for the federal Department of Communications by Professor David Townsend of the University of New Brunswick Faculty of Law, July, 1987.

Information sheets on issues of current interest to municipal planners are issued by the Research and Special Projects Branch of the Ministry of Municipal Affairs. Info-sheets do not represent government policy or recommended guidelines. Previous info-sheets have dealt with Salvage Yards, Bed and Breakfast and Places of Worship. Future topics include mobile signs, video arcades and "Just in Time" manufacturing.

For information or to suggest other topics, call (416) 585-6244 or write to our Branch at:

*777 Bay Street, 13th floor
Toronto, Ontario M5G 2E5*



CITY COUNCIL
HAMILTON, CANADA

Brian Hinkley
Alderman Ward 3

71 MAIN STREET WEST L8N 3T4 • (416) 526-2730 • RES. (416) 572-7500

March 23, 1989

5.

Mrs. S. Reeder
Secretary
Planning and Development Committee

Dear Mrs. Reeder:

MAR 29 1989

RE: Installation of Air Conditioner Regulations

Please find enclosed a copy of a constituent case work form respecting problems that Mr. Ted Schriener has been experiencing.

I would request that you place this item on the next agenda of the Planning and Development Committee agenda.

I would like to discuss this matter with the Committee members.

Your co-operation in this regard is very much appreciated.

Yours truly,

Brian Hinkley
Alderman, Ward 3

rd
Encl.

cc: Mr. V. Abraham
Director of Local Planning
cc: Mr. B. Allick
Director of Inspections
cc: Mr. T. Schriener
259 St. Clair Boulevard
Hamilton, Ontario L8M 2P3

ALDERMAN HINKLEY
CONSTITUENT CASE WORK

NAME: Mr. Ted Schriener
ADDRESS: 259 St. Clair Blvd. L8M 2P3
545-9215
PHONE #: _____
(Best Time to Contact): _____

DATE OF CALL: Mar 16'89

NATURE OF PROBLEM:

- What is the problem?
- Who is involved, names and addresses?
- When or how long has problem been going on?
- Has anyone else been contacted previously about this problem?
- What would the constituent like to be done?

RE: Installation of an air conditioner

-he has been advised by the Building Department that the location he plans on installing his air conditioner is too close to his house, and too close to his neighbour's house, and that he would have to apply to Committee of Adjustment for variance

-Mr. S. advises that he has an agreement with his neighbour, and that his neighbour has a conditioner already installed in the same general area

-Mr. S. feels this is blackmail to have to pay in order to put his air conditioner in this spot

FOR INFORMATION

5a.

REPORT TO:

Mrs. Susan K. Reeder
Secretary, Planning and Development Committee

FROM:

Mr. Paul Kuppe, P. Eng.
Building Commissioner

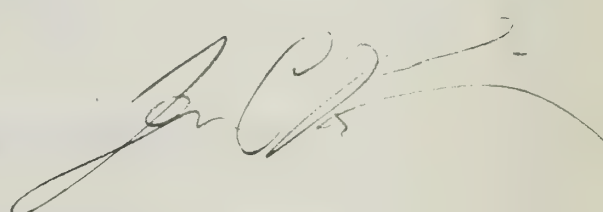
DATE: April 18, 1989

COMM. FILE:

DEPT. FILE: 89.2.4.2.1

SUBJECT:

Setback Requirements of Air Conditioners



BACKGROUND:

This report is in response to a copy of a letter dated March 23, 1989 from Alderman Brian Hinkley regarding air conditioner regulations.

For the Committee's information, the City of Hamilton Zoning By-Law 6593 regulates the setback requirements for the installation of central air conditioning units, window air conditioning units and heat pumps in a residential district.

Section 18(4)(v) of the Zoning By-Law requires the following setbacks:

- (a) 5.0 metres measured from the front lot line or the rear lot line; and
- (b) 2.4 metres from the side lot line,

of the property on which the air conditioner or heat pump is situate.

By-Law 81-308 amending Zoning By-Law 6593 respecting the above was passed on November 10, 1981 and approved by the Ontario Municipal Board on April 6, 1982.

Continued on Page Two

These amendments were a result of complaints being received about the noise generated by air conditioners and in most cases effectively eliminates air conditioners from side yards.

Attached for your information is a copy of the original report submitted to the Planning and Development Committee in 1981.



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
71 Main Street West, Hamilton, Ont. L8N 3T4

CI-81-Q
SEP 29 1981

ITEM NO

14A

September 22, 1981

| | |
|-------------|------|
| RECEIVED BY | DATE |
| RECEIVED TO | DATE |
| RECEIVED TO | DATE |

Reference: CI-81-Q
Attachment:
Your File:

L.C.F. Satisfactory
Approved

TO: THE CHAIRMAN AND MEMBERS OF THE CITY
PLANNING AND DEVELOPMENT COMMITTEE

SUBJECT

Regulation of Air Conditioners and Other Outdoor Unitary Equipment.

LOCATION

As a general text amendment to Zoning By-law No. 6593, all residential districts within the City of Hamilton will be affected.

RECOMMENDATION

1. That approval be given to City Initiative CI-81-Q, to amend Zoning By-law No. 6593 with respect to the regulation of 'central air conditioners', 'window air conditioners' and 'heat pumps' as follows:
 - 1) That subsection (4) of Section 18 of By-law No. 6593 be amended by adding a new clause to the following effect:

18.(4)(v) Notwithstanding any other provisions of By-law No. 6593, in any residential district, a central air conditioning unit, window air conditioning unit or heat pump shall not be located closer than:

 1. 5.0 metres (16.40 feet) to the front or rear lot line of the property; and
 2. 2.4 metres (7.67 feet) to the side lot line of the property.
 - 11) That subclause (b) of clause (vi) of subsection (3) of section 18 of By-law No. 6593 be amended to delete the words "or window air-conditioning unit" in the first and second lines, and by deleting the "," after the word "eave" in the first line and substituting the word "or" therefore, so that the subclause shall read as follows:

18(3)(vi)(b) "A canopy, cornice, eave or gutter may project ..."

- 111) That the City Solicitor be directed to prepare a By-law accordingly, and make application to the Ontario Municipal Board for approval on completion of its requirements by the City Clerk.
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the by-law will be to provide an amendment to Section 1E of Zoning By-law No. 6593, in order to regulate the location of central air conditioning units, window air conditioning units, and heat pumps within all residential districts.

Respectfully submitted,



H. J. Gaasenbeek, M.C.I.P.
Director of Development

PDM/jm



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
71 Main Street West Hamilton, Ont. L8N 3T4

September 22, 1981

Reference File: CI-21-Q

Amendment:

File No. 21-Q

SUBJECT

Regulation of Air Conditioners and Other Outdoor Unitary Equipment.

LOCATION

As a general text amendment to Zoning By-law No. 6593, all residential districts within the City of Hamilton will be affected.

BACKGROUND

A. BY-LAW NO. 79-292

By-law No. 79-292, to control noise, was passed by Council on October 30, 1979 and subsequently approved by the Minister of Environment on October 30, 1979.

The Department of Noise Control has indicated that there is an increasing number of complaints and violations to By-law No. 79-292 respecting central air conditioners and other outdoor unitary equipment. It is anticipated that a substantial increase in complaints and violations will occur with the expanded use of unitary equipment, especially heat pumps, and public awareness of the by-law. As such, the Department of Noise Control is desirous of amending By-law No. 6593, in order to avoid potential problems associated with the operation of such equipment.

B. BY-LAW NO. 6593

1. WINDOW AIR CONDITIONERS

Window air conditioners are specifically permitted to encroach into a required yard in accordance with Section 18(3)(vi)(b), as follows:

18(3)(vi)(b) "A canopy, cornice, eave, gutter or window air conditioning unit may project:

- (1) into a required front yard not more than 1.5 metre (4.92 feet) provided that no such projection shall be closer to a street line than 1.5 metre (4.92 feet);

- (11) into a required rear yard not more than 1.5 metre (4.92 feet); or
- (111) into a required side yard not more than one-half of its width, or 1.0 metres (3.28 feet), whichever is the lesser."

2. CENTRAL AIR CONDITIONERS AND HEAT PUMPS

Central air conditioners and heat pumps are not specifically mentioned in By-law No. 6593. The Building Department was previously of the opinion that such equipment qualified as part of the 'principal building' and were therefore subject to the applicable district requirements for a principal building.

However, it has recently come to their attention that the by-law could also be interpreted to qualify such uses as 'accessory structures', thereby requiring that they be located in accordance with the requirements applicable thereto.

PROBLEMS

1. BY-LAW INTERPRETATION

The Building Department has purportedly received numerous complaints from the general public, and sales representatives of unitary equipment, who have experienced difficulty in interpreting by-law requirements respecting the installation of such equipment.

The Department of Noise Control has also indicated that they have encountered the same problem, and are desirous of having the by-law regulations revised in order to simplify by-law interpretation.

Due to the way the by-law is written, there is uncertainty in by-law interpretation. The Building Department currently applies that set of requirements (i.e. principal building or accessory building) which is of greatest benefit to the individual applicants situation.

2. NOISE PROPAGATION AS RELATED TO LOCATION OF UNITARY EQUIPMENT

It has been the experience of the Department of Noise Control, that the majority of complaints and violations with respect to noise associated with central air conditioning units, window air conditioning units, and heat pumps, generate from lots where such unitary equipment has been installed in a side yard less than 2.4 metres (8 feet) from the property line. Apparently, the sound emissions from such equipment reverberates between adjoining buildings, thereby amplifying the sound level. Problems arise when the equipment is installed nearby areas which are particularly sensitive to sound (i.e. habitable rooms such as livingrooms, bedrooms), and when it is not kept in good repair.

Sound propagation in air can be compared to waves in water. The waves spread uniformly in all directions, decreasing in amplitude as they move from the source. In air when the distance doubles, the amplitude drops by half. If you move from 1 metre from the source to 2 metres from the source the sound level will drop by half. Thus increased distance separation between the source and the receiver is an effective means of reducing noise impact upon the receiver.

However, this is most effective when there are no reflecting or blocking objects in the sound path. Given a situation where an air conditioning unit is located in a normal interior side yard (i.e. 1.2 m or 4 feet), the noise emissions from the unit will reverberate between the two adjoining building surfaces resulting in an amplification of sound levels. Part of the increased sound will be reflected, part will be absorbed by the buildings and part may be transmitted through the structure creating a nuisance to persons inside.

SAMPLE REGULATIONS

Several larger municipalities in the Southern Ontario area were contacted for information regarding their zoning regulations for central air conditioners and heat pumps.

A summary of how other municipalities regulate such unitary equipment is provided as follows:

1. TOWN OF OAKVILLE

"No person shall, in any residential zone, locate the condensing section of a central air conditioning system in a side yard closer than 20 feet to the side lot line and in any front or rear yard closer than 10 feet to a side lot line."

2. BOROUGH OF ETOBICOKE

2.1 "No central air conditioning unit shall be constructed closer than 6 metres to the front lot line of the property."

2.2 "No central air conditioning unit shall be located closer than 5 metres to any side or rear lot line or closer than 3 metres to any side or rear lot line abutting a 0.3 metre reserve or a street line."

3. CITY OF BURLINGTON

No regulations.

4. CITY OF MISSISSAUGA

Currently reviewing the problem with intent to establish revised regulations.

5. CITY OF KITCHENER

No regulations.

6. CITY OF TORONTO

No regulations.

CONCLUSIONS

The noise emission problems encountered with central air conditioning units, window air conditioning units and heat pumps are both 'site specific' and 'unit specific'. As such, it is impossible to establish a standard setback requirement that will satisfy all situations.

However, the noise problems can be alleviated by restricting the location of such unitary equipment to front and rear yards, and by establishing a minimum setback requirement from the side lot line, especially where such equipment is to be located in a side yard. This is accomplished by providing the greatest distance separation from sound source to sound sensitive areas.

Furthermore, if such equipment is restricted to the front and rear yards, the owner is more apt to undertake mitigative measures (e.g. barrier shielding), and keep the equipment in good repair, as his outdoor privacy area will be the most affected by sound emissions.

In some situations, the owner can make application to the Committee of Adjustment for relief. This would provide an opportunity for neighbours to have a mutual exchange of information, concerns and solutions.

It is the consensus of the Planning and Development Department, Building Department and Department of Noise Control, that the following regulations would simplify by-law interpretation, and alleviate the noise problems associated with central air conditioning units, window air conditioning units, and heat pumps in residential districts:

Notwithstanding any other provisions of By-law No. 6593, in any residential district, a central air conditioning unit, window air conditioning unit or heat pump shall not be located closer than:

1. 5.0 metres (16.40 feet) to the front or rear lot line of the property; and
2. 2.4 metres (7.87 feet) to the side lot line of the property.

Also, in order to facilitate the foregoing provisions section 18(3)(vi)(b) of By-law No. 6593 respecting encroachments on yards, should be amended to delete the reference to a "window air conditioning unit".

- 5 -

The foregoing restrictions are justifiable, in that unitary equipment is installed for the benefit of the owner and, in keeping with the intent of By-law No. 75-292 respecting noise control, should not impinge upon the 'quiet enjoyment' of neighbouring properties.

PCM/jm

6.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT


DATE: 1989 APRIL 17
COMM FILE:
DEPT FILES: SA-76-29
25T-76046

SUBJECT

Extension of Draft Approval for "Ridgeview Estates" Subdivision.

RECOMMENDATION

That the Region be requested to grant a one year extension to the draft approval for "Ridgeview Estates" subdivision (Regional File No. 25T-76046).


J. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

Owner

T. Valeri Construction Limited

History

Ridgeview Estates (formerly Butler No. 1), Butler Neighbourhood

Draft approved May 29, 1978, for 72 lots for single-family dwellings, 40 lots for "zero-lot line" single family dwellings, 36 lots for semi-detached dwellings (72 units) and a block for medium density apartments (approximately 65 units).

Extended in 1981, 1982, 1983, 1984, 1985 and 1986.

Present lapsing date May 29, 1989.

Requesting a further extension for an unspecified period.

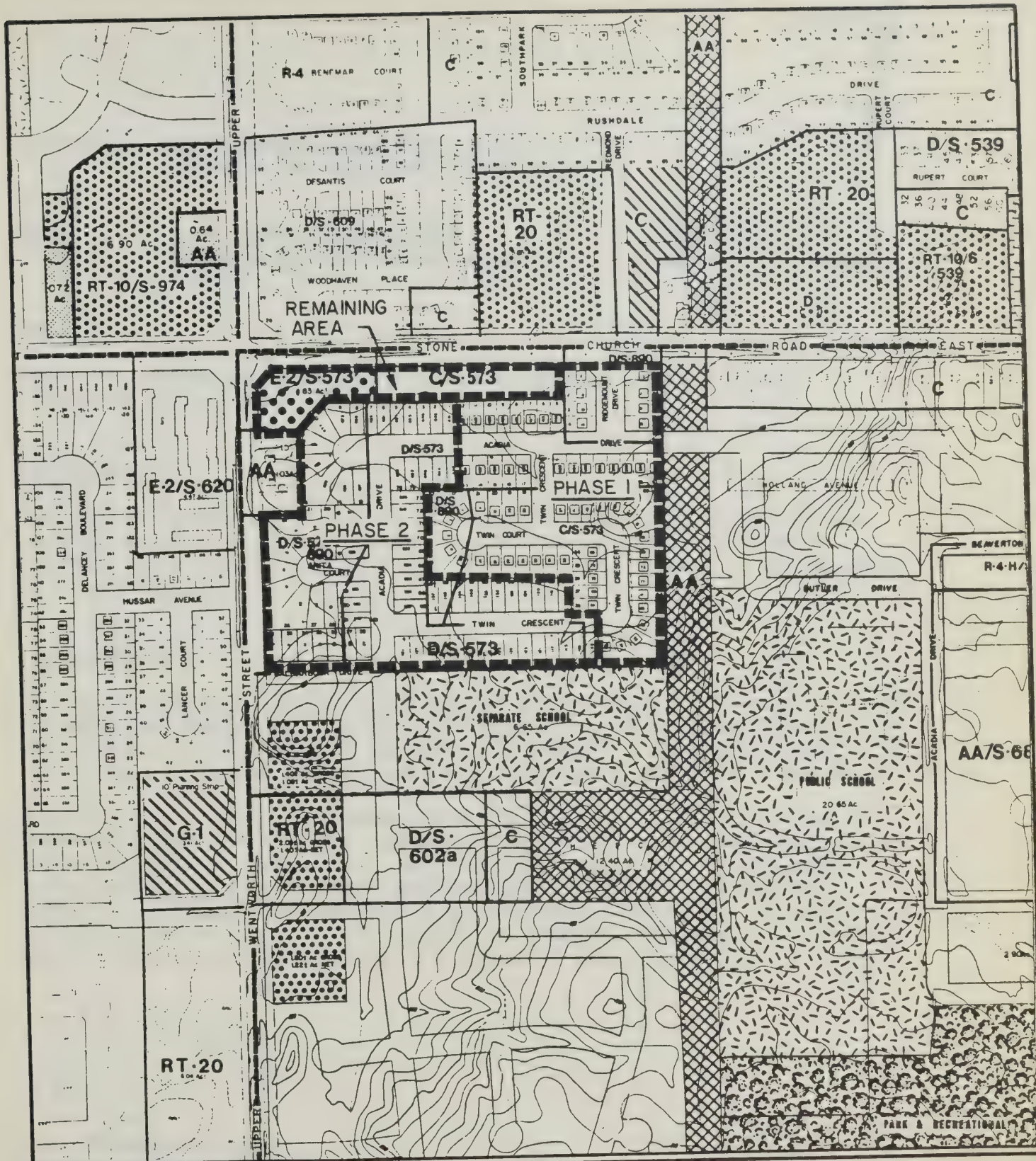
Two phases of the development have been registered and the final plans for Phase 3 have been prepared for inclusion in the Subdivision Agreement. A fourth phase, which will complete the development, will be processed subsequent to registration of Phase 3.

CONCLUSIONS

The City of Hamilton originally recommended approval of the aforementioned draft plan subject to certain conditions which were subsequently included in the conditions of approval established by Regional Council.

The conditions of approval are still appropriate and no requests have been made to revise the plan or the conditions, therefore, the extension should be supported on the basis of the usual extension of one year.

JLS/jd

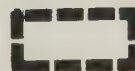


Location Plan For

"RIDGEVIEW ESTATES"

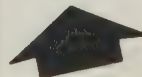
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



AREA OF PLAN OF
SUBDIVISION

North



Scale
N. T. S.

Date
APR. 18, 1989

Reference File No.
25T-76046

Drawing No.

F O R A C T I O N

7.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 April 19
COMM FILE:
DEPT. FILE: CI-88-I

SUBJECT:

Bill 128 - Amendment to the Planning Act respecting the exclusionary provisions of Zoning By-Law 6593.

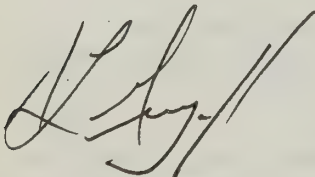
RECOMMENDATION

That By-law 88-230 in its entirety be repealed since it has been rendered invalid as a result of Bill 128 which prohibits municipalities from distinguishing between unrelated and related persons respecting the occupancy of a building.

EXPLANATORY NOTE

On February 27, 1989, the Province amended the Planning Act to make it illegal for municipalities to distinguish between related and unrelated persons, respecting the occupancy of a building. Accordingly, the "Family" definition (established by By-law 88-230) contained in Zoning By-law 6593 is now invalid.

In addition, By-law 88-230 amended other sections of the Zoning By-law to ensure that the Zoning By-law remained consistent vis à vis the introduction of the new "Family" definition. In particular, the provisions of Zoning By-law 6593 dealing with lodgers was revoked and incorporated into the definition of "Family" as enacted by By-law 88-230. Since the new definition of "Family" is no longer valid, lodgers are prohibited in Class "A" dwelling units. This is inconsistent with the intent of the Zoning By-law.



✓ V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

On September 27, 1988, City Council passed By-law 88-230 which amended the "Family" definition, among other changes, contained in Zoning By-law 6593. The purpose of the By-law was to restrict the number of unrelated persons living in a single housekeeping unit to a maximum of five.

By-law 88-230 also amended several other sections of the Zoning By-law which were directly affected by the introduction of the new "Family" definition. For example, prior to By-law 88-230, the district provisions allowed for the accommodation of lodgers to a maximum of not more than three in each Class "A" dwelling unit. With the introduction of By-law 88-230, lodgers were still permitted, however, reference to them was specifically contained within the new "Family" definition.

On February 27, 1989, Bill 128 - An Act to amend the Planning Act, received Royal Assent in the Provincial Legislature. One of the amendments to the Planning Act made it illegal for municipalities to "distinguish between persons who are related and unrelated in respect of the occupancy of a building or structure" (see attached).

Since the Province has now rendered the City's "Family" definition invalid, By-law 88-230 should be repealed in its entirety because:

- 1) it is not appropriate to retain an invalid definition on the books;
- 2) lodgers would no longer be permitted within any Class "A" dwelling unit since the provision to permit lodgers is contained in the "Family" definition (now invalid). Clearly, the intent of the Zoning By-law is to allow lodgers within homes.

By repealing By-law 88-230, the previous "Family" definition will be restored. Accordingly,

"Family shall mean a person or a group of two or more persons occupying premises and living as a single housekeeping unit, whether or not related to each other by blood or marriage,"

In addition, lodgers, to a maximum of not more than three, will again be permitted in each Class "A" dwelling unit.

JH/dkp
Attach.

WP 0021P

Bill 128

*(Chapter 5
Statutes of Ontario, 1989)*

An Act to amend the Planning Act, 1983

The Hon. J. Eakins
Minister of Municipal Affairs

| | |
|---------------------|---------------------|
| <i>1st Reading</i> | May 4th, 1988 |
| <i>2nd Reading</i> | February 21st, 1989 |
| <i>3rd Reading</i> | February 23rd, 1989 |
| <i>Royal Assent</i> | February 27th, 1989 |

have elapsed from the date that the information was forwarded under subsection (15), whichever first occurs.

(3) Subsections 34 (17) and (18) of the said Act are repealed and the following substituted therefor:

(17) Where the council passes a by-law under this section, except a by-law passed pursuant to an order of the Municipal Board made under subsection (11) or (27), the clerk of the municipality shall give written notice of the passing of the by-law in the manner and in the form and to the persons and agencies prescribed and the notice shall specify the last day for filing a notice of appeal under subsection (18).

Notice of
passing of
by-law

(18) Any person, including the Minister or agency, may, not later than the twentieth day after the day that the giving of written notice as required by subsection (17) is completed, appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

Appeal to
O.M.B.

(18a) For the purposes of subsection (18), the giving of written notice shall be deemed to be completed,

When giving
of notice
deemed
completed

- (a) where notice is given by publication in a newspaper, on the day that such publication occurs;
- (b) where notice is given by personal service, on the day that the serving of all required notices is completed; and

- (c) where notice is given by mail, on the day that the mailing of all required notices is completed.

(4) Subsections 34 (22), (23), (24) and (25) of the said Act are repealed and the following substituted therefor:

(22) On an appeal to the Municipal Board, the Board shall hold a hearing of which notice shall be given to such persons or bodies and in such manner as the Board may determine.

Hearing and
notice
thereof

(5) Subsection 34 (28) of the said Act is amended by striking out "adversely" in the third line and in the eighth line.

15. The said Act is amended by adding thereto the following section:

34a.—(1) The authority to pass by-laws under subsections 34 (1) and 37 (1) does not include the authority to pass by-laws that distinguish between persons who are related and

No authority
to distinguish
on basis of
relationship

persons who are unrelated in respect of the occupancy of a building or structure.

Idem

(2) A provision in a by-law that distinguishes between persons who are related and persons who are unrelated in respect of the occupancy of a building or structure ceases to have effect on the day this section comes into force.

16. Subsection 35 (2) of the said Act is repealed and the following substituted therefor:

Condition

(2) A by-law shall not contain the provisions mentioned in subsection (1) unless there is an official plan in effect in the local municipality that contains provisions relating to the use of the holding symbol mentioned in subsection (1).

17. Subsection 36 (2) of the said Act is repealed and the following substituted therefor:

Condition

(2) A by-law shall not contain the provisions mentioned in subsection (1) unless there is an official plan in effect in the local municipality that contains provisions relating to the authorization of increases in height and density of development.

18. Clause 40 (8) (a) of the said Act is amended by adding thereto the following paragraph:

4. Where the land abuts a highway under the jurisdiction of the county or regional, metropolitan or district municipality, grading or alteration in elevation or contour of the land in relation to the elevation of the highway and provision for the disposal of storm and surface water from the land.

19. Subsection 41 (4) of the said Act is repealed and the following substituted therefor:

Official plan
requirement

(4) The alternative requirement authorized by subsection (3) may not be provided for in a by-law passed under this section unless there is an official plan in effect in the local municipality that contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement.

20.—(1) Subsection 44 (10) of the said Act is amended by striking out "by mail" in the second line.

(2) Subsection 44 (12) of the said Act is amended by striking out "serving personally on or sending by registered mail to" in

F O R A C T I O N

8.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 April 5
COMM FILE:
DEPT. FILE: P5-2A

SUBJECT:

Neighbourhood Plan Amendments - Housekeeping.

RECOMMENDATION

That approval be given to the following Neighbourhood Plan amendments.

- (i) That the approved Corktown Neighbourhood Plan be amended by redesignating the lands at 175 Hunter Street East, as shown as Block "1" on Schedule "A", from "Medium Density Apartments" to "High Density Apartments".
- (ii) That the approved North End East Neighbourhood Plan be amended as follows:
 - (a) by redesignating the lands on the east side of James Street North between Macauley Street East and Wood Street East, as shown as Block "1" on Schedule "B", from "Single and Double" residential to "Attached Housing".
 - (b) by redesignating the lands on the north side of Macauley Street East and east of James Street North, as shown as Block "2" on Schedule "B", from "Single and Double" residential to "Attached Housing".
 - (c) by redesignating the lands on the east side of James Street North between Simcoe Street East and Ferrie Street East, as shown as Block "3" on Schedule "B", from "Low Density Apartments" to "Attached Housing".
 - (d) by redesignating the lands on the east side of James Street North between Strachan Street East and Simcoe Street East, as shown as Block "4" on Schedule "B", from "Low Density Apartments" to "Attached Housing".
- (iii) That the approved Rushdale Neighbourhood Plan be amended by redesignating the lands on the north side of Stone Church Road East adjacent to the Hydro Right-of-Way, as shown as Block "1" on Schedule "C" from "Single and Double" residential to "Attached Housing".

- (iv) That the approved Strathcona Neighbourhood Plan be amended as follows:
- (a) the special designation of reference to City Council Minutes dated June 24, 1980 be removed from the lands between Margaret Street and Locke Street South, between Main Street West and King Street West, as shown as Block "1" on Schedule "D".
 - (b) by redesignating the lands on the east side of Margaret Street between Main Street West and King Street West, as shown as Block "2" on Schedule "D", from "Single and Double" residential to "Attached Housing".
- (v) That the approved Thorner Neighbourhood Plan be amended by redesignating the dead end portion of Deerborn Drive adjacent to No. 2 Southampton Drive, as shown as Block "1" on Schedule "E", from Road Allowance to "Parks and Recreational".
- (vi) That the approved Trenholme Neighbourhood Plan be amended by redesignating the lands at the southeast corner of Upper Ottawa Street and Limeridge Road East, as shown as Block "1" on Schedule "F", from "Attached Housing" to "Civic and Institutional".
- (vii) That the approved Vincent Neighbourhood Plan be amended by redesignating the lands on the east side of Quigley Road between the T.H. & B. Railway and Tindale Court, as shown as Block "1" on Schedule "G", from "Commercial" to "Civic and Institutional".


V. J. Abraham, M.C.I.P.
Director of Local Planning

EXPLANATORY NOTE

The purpose for the amendments to the Neighbourhood Plans is to recognize current land use which will remain for the indeterminate future and to redesignate properties which are no longer suitable for its designed use, due to adjacent development.

These amendments have been identified through administration of Neighbourhood Plans, and are part of the housekeeping process.

BACKGROUND

Through the administration of Neighbourhood Plans, a number of designation inconsistencies have been identified. In most cases, the neighbourhood plan designation does not accurately reflect existing land use. For example, due to market conditions, a site may be developed for attached housing rather than low density apartments as designated in the neighbourhood plan. This site should therefore be identified as "Attached Housing" in the neighbourhood plan. These changes have occurred without requiring a zoning change, at which time neighbourhood plan redesignations normally occur.

In other cases, adjacent development has made a neighbourhood plan designation inappropriate. For example, a block of land designated for attached housing may be developed with a single family lot remaining. Since this lot can no longer be developed for row housing it should be redesignated for a more appropriate use. To leave the designation on the site would be misleading.

COMMENTS

In order to avoid misconceptions and to accurately reflect current and preferred land uses, a number of Neighbourhood Plan amendments are proposed. All the approved neighbourhood plans are on display in the foyer of the Planning Department and are extensively used by the public, staff and others. It is therefore important to keep them up to date and relevant. These amendments, and the reasons for change are outlined in Table 1. Since they already represent Council policy, there should not be a public meeting.

Based on the above, the proposed Neighbourhood Plan Amendments should be supported.

A.L./M.P.S.:nd
W.P. DOC. 0420P

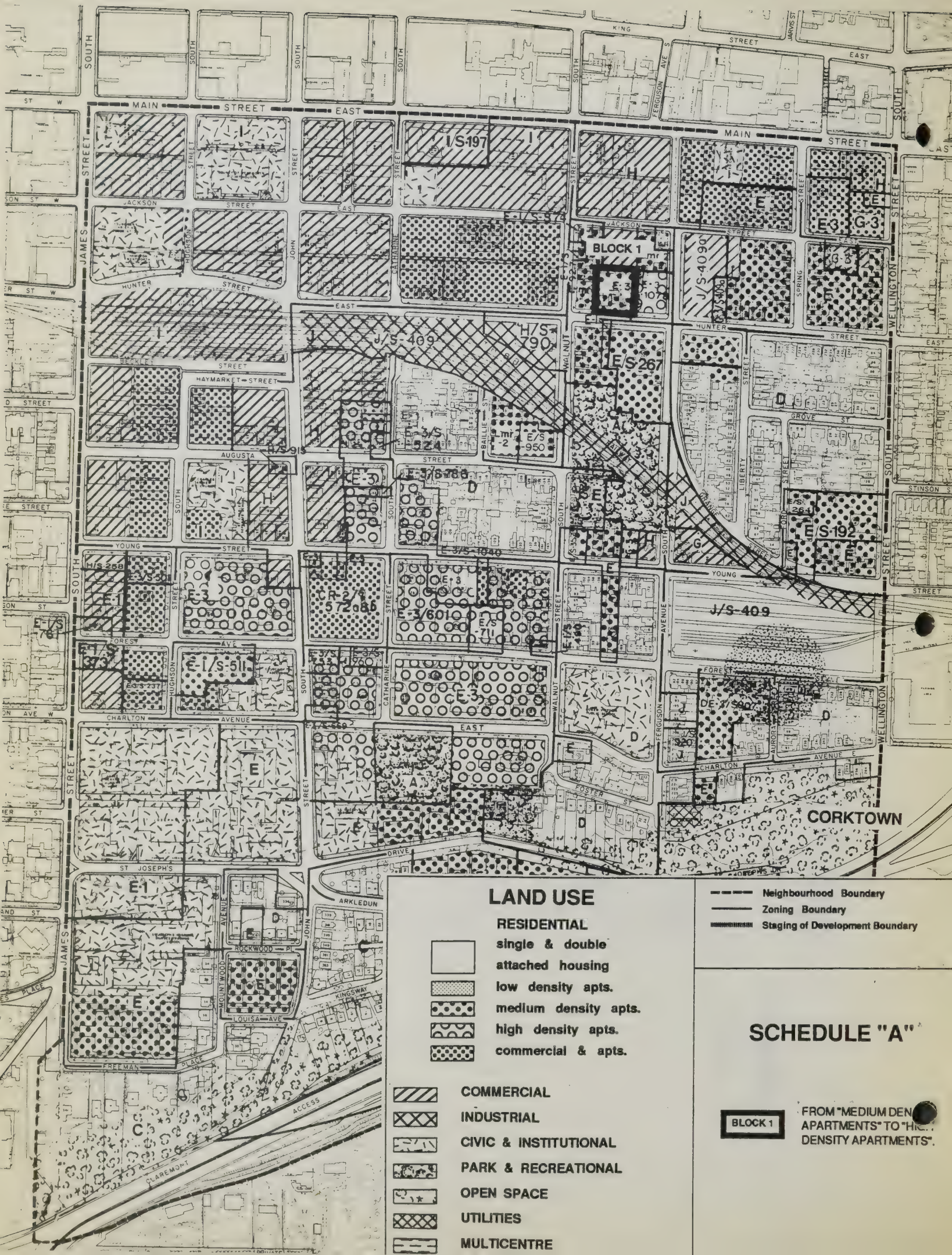
Table 1
page 1 of 2

Neighbourhood Plan Amendments - Housekeeping

| Neighbourhood | Location | Existing Designation | Proposed Designation | Reason for Change |
|-----------------------|--|------------------------------|----------------------------|--|
| Corktown | 175 Hunter Street East.
(Block 1 on Schedule "A") | Medium Density
Apartments | High Density
Apartments | to reflect subject lands being developed with adjacent lands for high density residential. |
| North End East | (i) lands on the east side of James Street North between Macauley Street East and Wood Street East.
(Block 1 on Schedule "B") | Single and Double | Attached Housing | to reflect subject lands being developed as attached housing. |
| | (ii) lands on the north side of Macauley Street East between James Street North and Hughson Street North.
(Block 2 on Schedule "B") | Single and Double | Attached Housing | to reflect subject lands being developed as attached housing. |
| | (iii) lands on the east side of James Street North between Simcoe Street East and Ferrie Street East.
(Block 3 on Schedule "B") | Low Density
Apartments | Attached Housing | to reflect subject lands being developed as attached housing. |
| | (iv) lands on the east side of James Street North between Strachan Street East and Simcoe Street East.
(Block 4 on Schedule "B") | Low Density
Apartments | Attached Housing | to reflect subject lands being developed as attached housing. |
| Rushdale | lands north of Stone Church Road East adjacent to the Hydro right-of-way.
(Block 1 on Schedule "C") | Single and Double | Attached Housing | to reflect subject lands being developed as attached housing. |

Neighbourhood Plan Amendments - Housekeeping

| Neighbourhood | Location | Existing Designation | Proposed Designation | Reason for Change |
|---------------|--|--|--|--|
| Strathcona | (i) lands between Margaret Street and Locke Street South between Main Street West and King Street West.
(Block 1 on Schedule "D") | Special Designation of reference to City Council Minutes dated June 24, 1980 | remove Special Designation from this site only | to reflect subject lands development as attached housing. |
| | (ii) lands on the east side of Margaret Street between Main Street West and King Street West.
(Block 2 on Schedule "D") | Single and Double | Attached Housing | to reflect subject lands development as attached housing. |
| Thorner | dead end portion of Deerbom Drive adjacent to No. 2 Southampton Drive.
(Block 1 on Schedule "E") | Road Allowance | Park and Recreational | development of the lands to the south has eliminated the need for this portion of Deerbom Drive to be extended southerly as was originally intended. |
| Trenholme | lands at the southeast corner of Upper Ottawa Street and Limeridge Road East.
(Block 1 on Schedule "F") | Attached Housing | Civic and Institutional | to reflect subject lands being developed as a fire station. |
| Vincent | lands on the east side of Quigley Road between the T. H. & B. Railway crossing and Tindale Court.
(Block 1 on Schedule "G") | Commercial | Civic and Institutional | to reflect subject lands being developed as a fire station. |



LAND USE

RESIDENTIAL

- single & double attached housing
- low density apts.
- medium density apts.
- high density apts.
- commercial & apts.

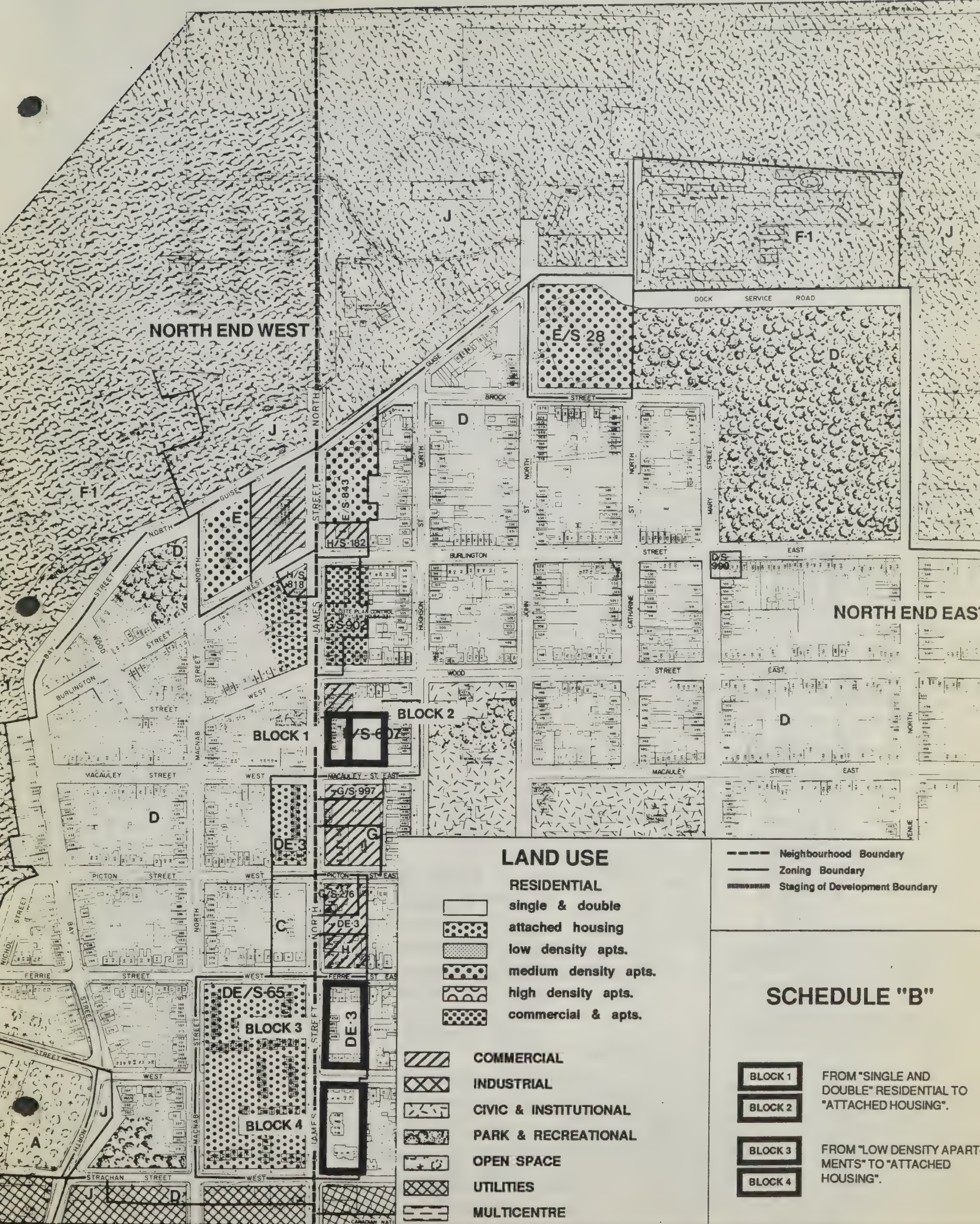
- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- MULTICENTRE

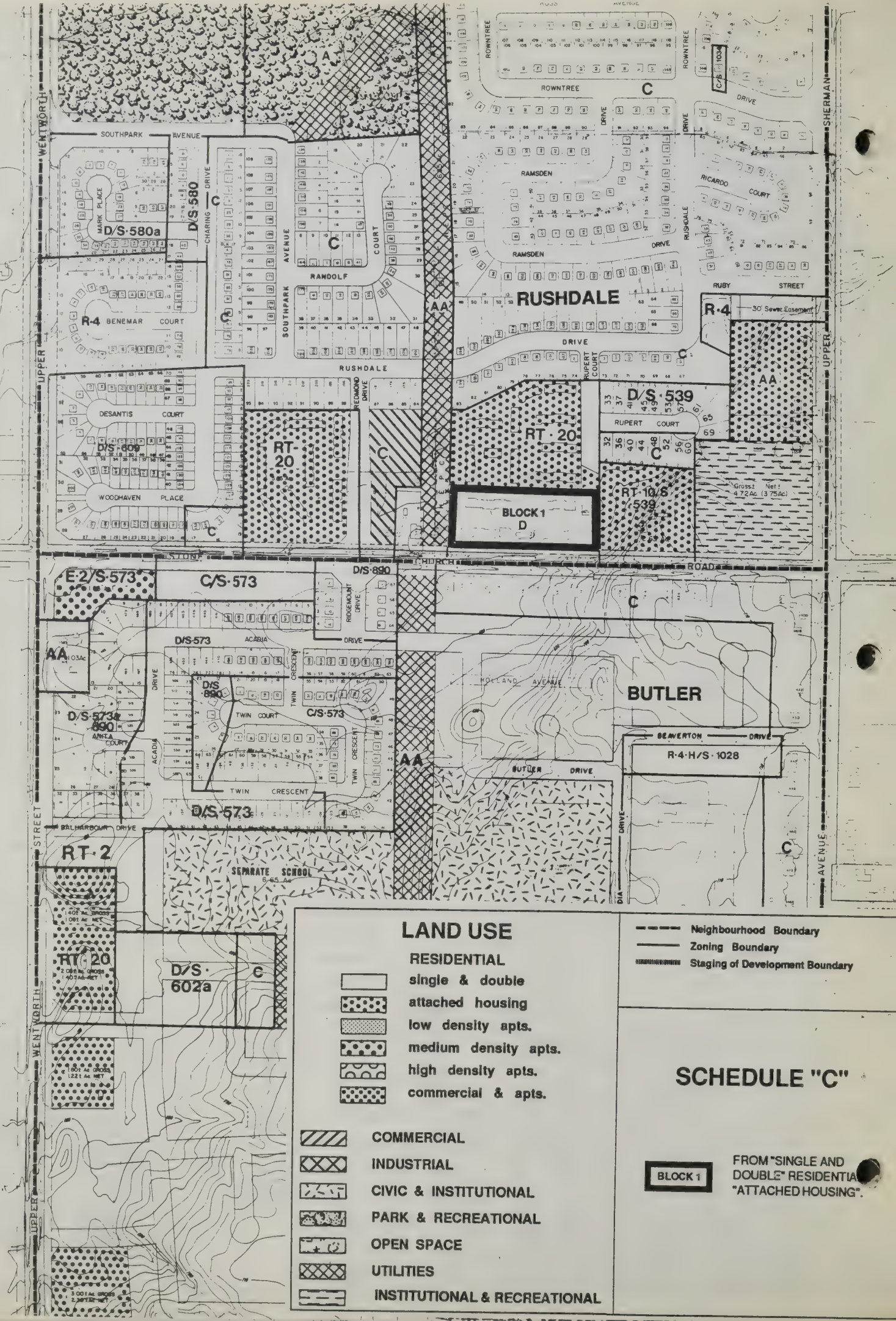
- Neighbourhood Boundary
- Zoning Boundary
- Staging of Development Boundary

SCHEDULE "A"

BLOCK 1

FROM "MEDIUM DENSITY APARTMENTS" TO "HIGH DENSITY APARTMENTS"





LAND USE

RESIDENTIAL

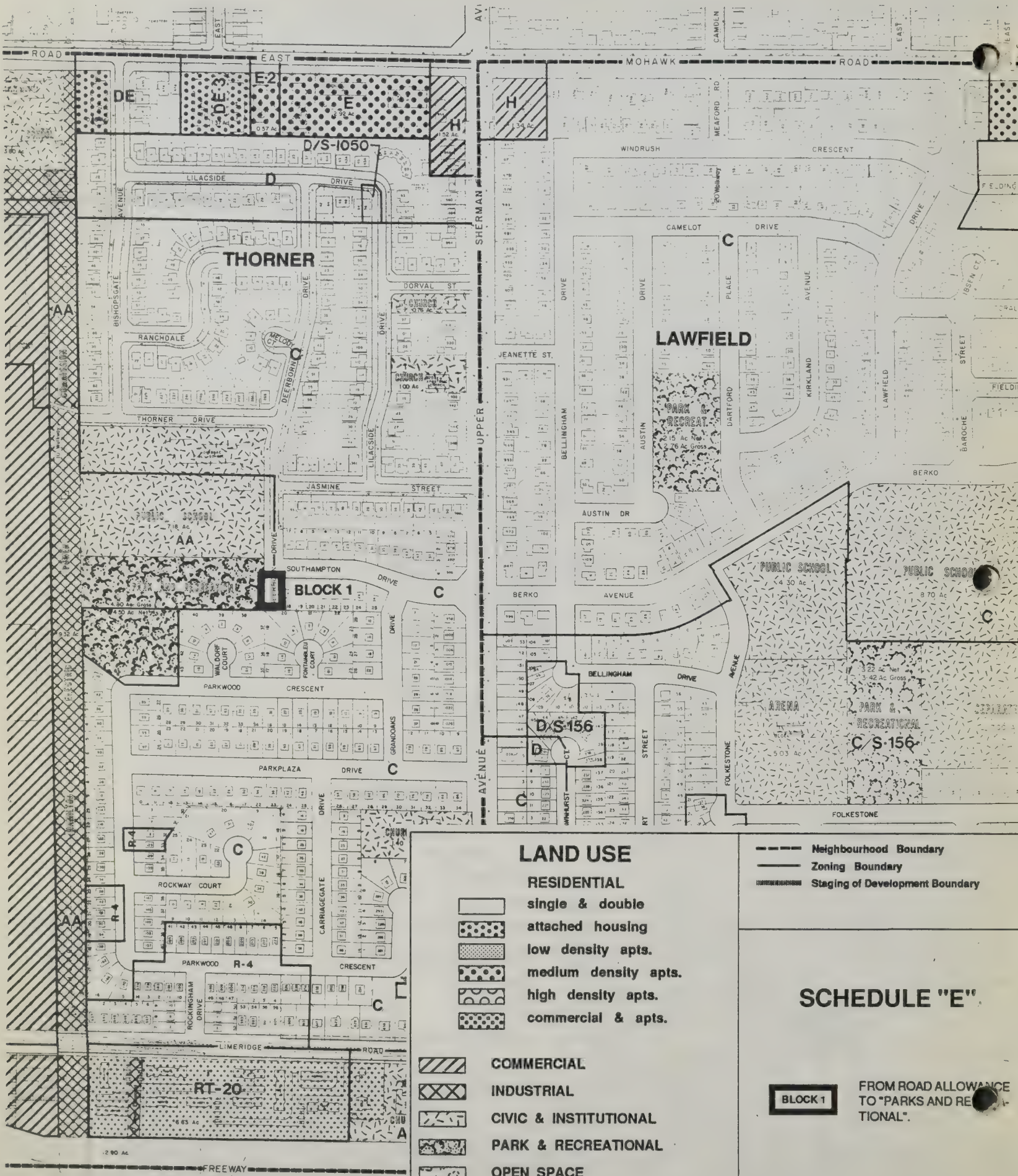
- single & double
- attached housing
- low density apts.
- medium density apts.
- high density apts.
- commercial & apts.

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- INSTITUTIONAL & RECREATIONAL

- Neighbourhood Boundary
- Zoning Boundary
- Staging of Development Boundary

SCHEDULE "C"

BLOCK 1 FROM "SINGLE AND DOUBLE" RESIDENTIAL "ATTACHED HOUSING".



LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apts.
- medium density apts.
- high density apts.
- commercial & apts.

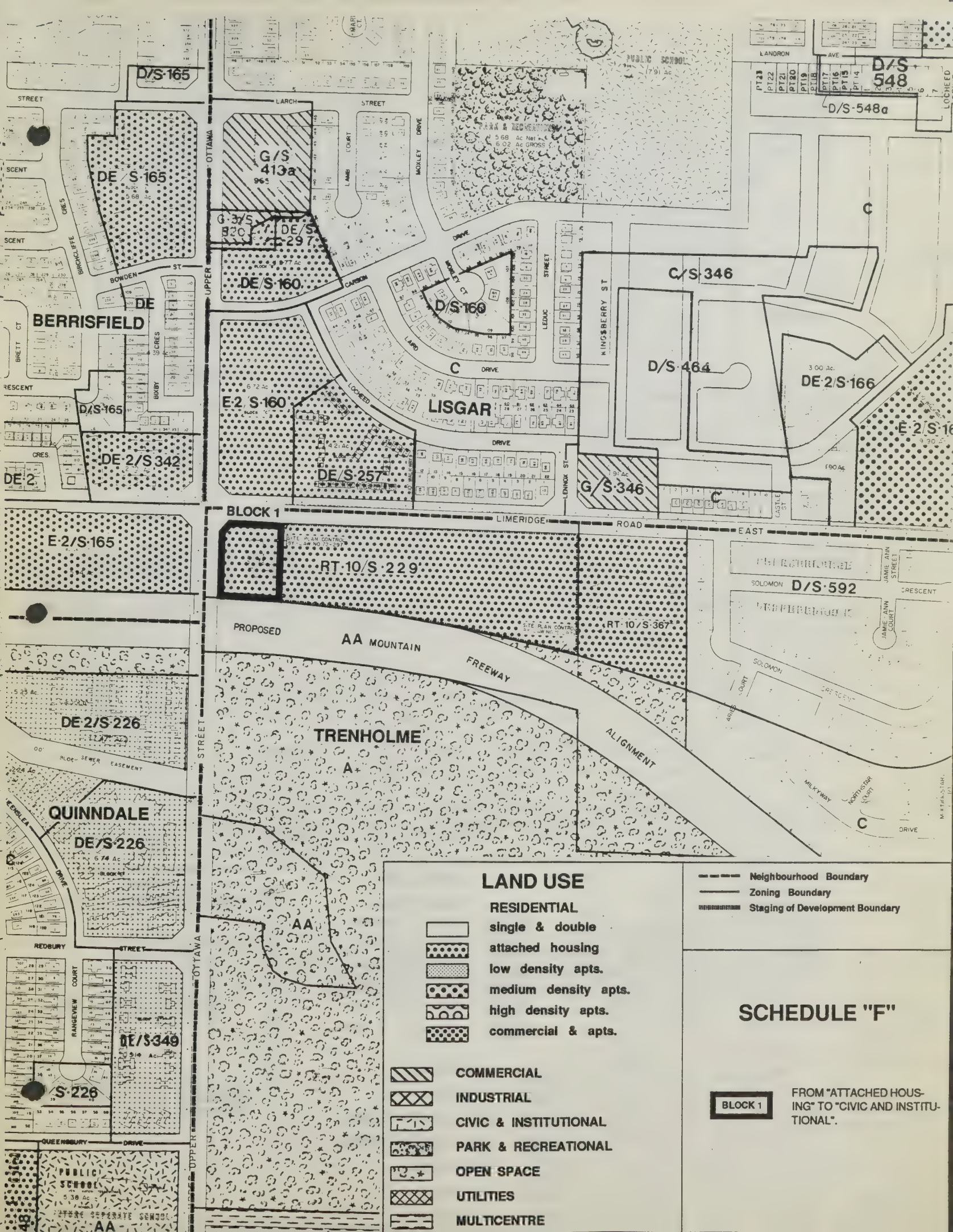
- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- MULTICENTRE

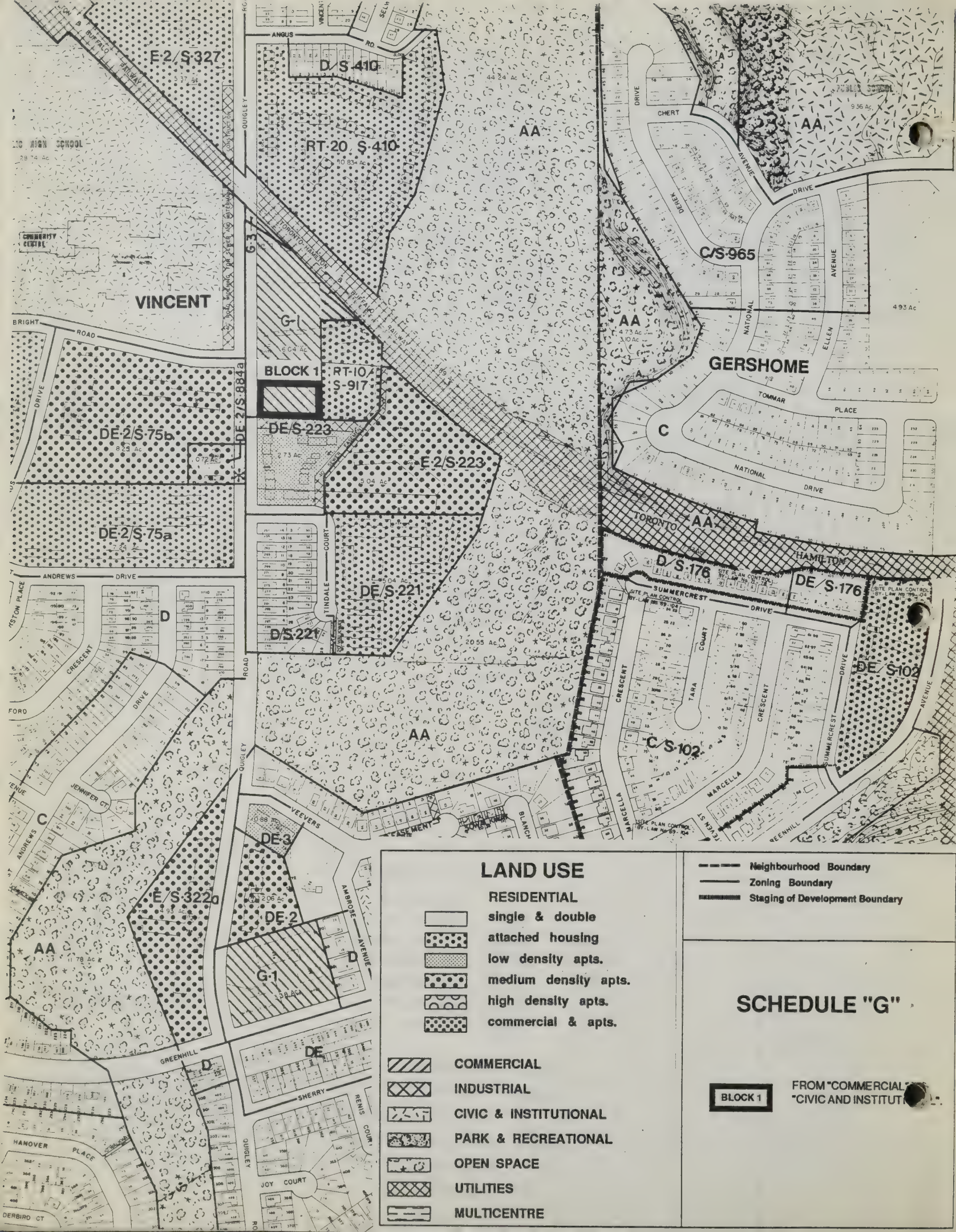
- Neighbourhood Boundary
- Zoning Boundary
- Staging of Development Boundary

SCHEDULE "E"

BLOCK 1

FROM ROAD ALLOWANCE
TO "PARKS AND RECREATIONAL".





FOR ACTION

9.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 April 17
COMM FILE:
DEPT. FILE: ZA-88-113
BARNSTOWN
NEIGHBOURHOOD

SUBJECT:

Request for a change in zoning - rear part of properties municipally known as Nos. 3 and 7 Bonaparte Road.

RECOMMENDATION

That approval be given to Zoning Application 88-113, Wellington Chase Inc., owner, for a change in zoning from "RT-20" (Townhouse - Maisonette) District to "C" (Urban Protected Residential, etc.) District, for the rear part of properties municipally known as Nos. 3 and 7 Bonaparte Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "RT-20" (Townhouse - Maisonette) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18D for presentation to City Council;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning area; and
- iv) That the Barnstown Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Single and Double" residential.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "RT-20" (Townhouse - Maisonette) District to "C" (Urban Protected Residential, etc.) District, for the rear part of properties municipally known as Nos. 3 and 7 Bonaparte Road, as shown on the attached key map.

The effect of the By-law is to establish uniform zoning for the two residential lots fronting onto Bonaparte Road, to permit the construction of two single-family detached dwellings.



J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL EXPLANATIONS

N/A

BACKGROUND

- Proposal

The purpose of the change in zoning is to establish uniform zoning of the subject lands to permit construction of two single-family detached dwellings.

- By-law 87-338

On November 24, 1987 City Council passed By-law 87-338 which rezoned the subject lands from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District.

- By-law 79-54

On January 30, 1979 City Council passed By-law 79-54 which rezoned the subject lands from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

APPLICANT

Wellington Chase Inc., owner.

LOT SIZE AND AREA

An irregular-shaped parcel of land having approximately 20 m (65 ft.) of lot flankage on Brigade Drive and a lot area of approximately 300 m² (3,229 sq. ft.).

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|--------------------------|--------------------------|--|
| <u>SUBJECT LANDS</u> | Vacant | "RT-20" (Townhouse -
Maisonette) District |
| <u>SURROUNDING LANDS</u> | | |
| to the north | Vacant | "RT-20" (Townhouse -
Maisonette) District |
| to the south | Vacant | "C" (Urban Protected
Residential, etc.)
District |
| to the east | Vacant | "C" (Urban Protected
Residential, etc.)
District |
| to the west | Vacant | "RT-20" (Townhouse -
Maisonette) District |

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Attached Housing" on the approved Barnstown Neighbourhood Plan, the proposal does not comply. Approval of the application would require redesignation of the subject lands from "Attached Housing" to "Single and Double" residential.

COMMENTS RECEIVED

- The Building Department, Traffic Department, Hamilton Region Conservation Authority, and Local Architectural Conservation Advisory Committee Staff have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:
"...public watermains and separate storm and sanitary sewers are available to service the subject lands."

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal would involve an amendment to the approved Barnstown Neighbourhood Plan to redesignate the subject lands from "Attached Housing" to "Single and Double" residential.

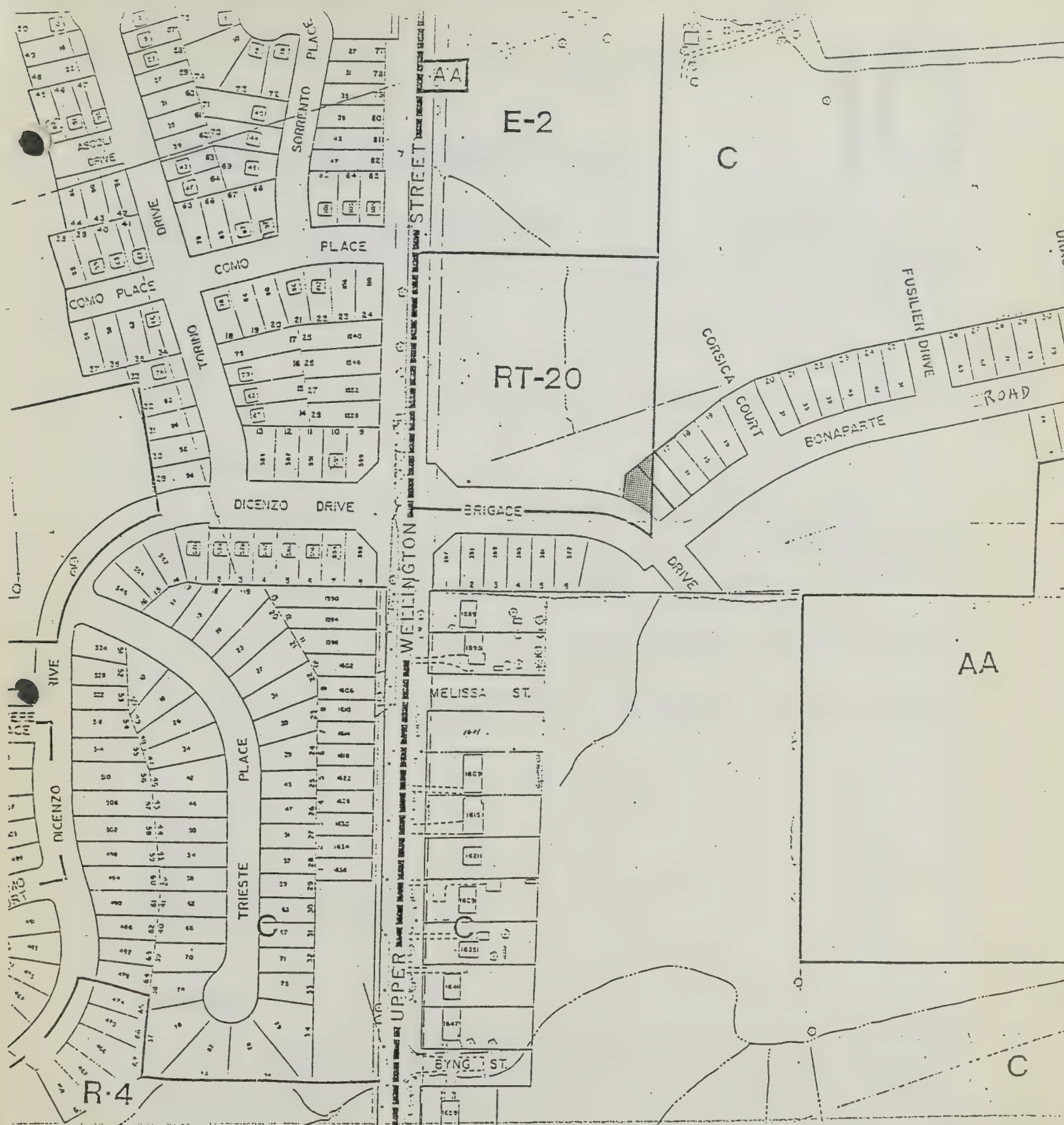
3. The proposal has merit and can be supported for the following reasons:

- it implements the Official Plan;
- it is compatible with existing and future development contemplated in this area, and will not interfere with the orderly development of the neighbourhood;
- it establishes uniform zoning of the subject lands to facilitate development for single-family purposes;
- the lots will have sufficient lot frontage and area to meet the "C" (Urban Protected Residential, etc.) District requirements.

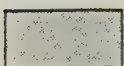
CONCLUSION

On the basis of the foregoing, the application can be supported.

G.A.W.:nd
W.P. DOC. 0136P



Legend



Site of the Application



F O R A C T I O N

10.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 April 17
COMM FILE:
DEPT. FILE: ZA-88-135
 Industrial
 Sector "D"

SUBJECT:

Request for a modification in zoning - No. 172 Beach Road ("R" Place Tavern).

RECOMMENDATION

That Zoning Application 88-135, Lawrence Richard Desaulniers, lessee, requesting a modification to the established "K" (Heavy Industry) District to legalize seven existing lodging rooms in conjunction with the existing tavern for the property located at No. 172 Beach Road, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) Adequate parking cannot be provided to accommodate the proposed use(s); and,
- ii) Approval of the application could further aggravate on-street parking problems in the surrounding area.


V. J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND

It is the applicant's intention to legalize the continued use of the lodging facilities (7 rooms) located on the second floor of the existing tavern ("R" Place). The Building Department's records indicate that the only secondary use listed is that of an apartment located on the second floor.

Parking facilities are provided for the existing tavern both on site (capacity of 12 spaces), and on lands abutting No. 8 Rowanwood Street (see APPENDIX "B").

Both parking facilities are owned by the tavern owner. The applicant leases the tavern from the owner.

APPLICANT

Lawrence Richard Desaulniers, lessee.

LOT SIZE AND AREA

- o 27.08 m (88.85 ft.) of lot frontage on Beach Road;
- o 32.50 m (106.62 ft.) of lot depth; and,
- o 809.34 m² (8,712.00 ft.²) of lot area.

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|--------------------------|---|---|
| <u>SUBJECT LANDS</u> | tavern | "K" (Heavy Industry) District, modified |
| <u>SURROUNDING LANDS</u> | | |
| to the north | single-family dwellings and two family dwelling | "K" (Heavy Industry) District, modified |
| to the south and west | single-family dwellings | "K" (Heavy Industry) District, modified |
| to the east | single-family dwellings and three family dwelling | "K" (Heavy Industry) District, modified |

OFFICIAL PLAN AND NEIGHBOURHOOD PLAN

The subject lands are designated "INDUSTRIAL" on Schedule "A" - Land Use Concept to the Official Plan. The existing lodging house is not a permitted use, however, Policy A.2.3.33 may apply to the proposal:

- "A.2.3.33 Where existing INDUSTRIAL and Residential Uses are located in close proximity to each other, Neighbourhood Plans may be prepared, as set out in Subsection D.2, to identify potentially-viable Residential areas, INDUSTRIAL areas and areas where a mix of Residential and INDUSTRIAL USES may be tolerated in the short term. Council's long term planning objective will be for the removal of Residential Uses from established INDUSTRIAL USE areas."

This policy states that Neighbourhood Plans may be prepared to identify areas where a mix of residential and industrial uses may be tolerated in the short term. A neighbourhood plan is not available. However, the subject lands are located within the Rowanwood residential enclave, which is intended to be transformed into industrial use at some time in the future.

In addition, the residential enclave (Rowanwood) has been identified as an acceptable interim use, which can be tolerated in the short term.

Acquisition for industrial use is not scheduled in the short term, but is intended for the long term.

The proposal complies with the intent of the Official Plan.

COMMENTS RECEIVED

The following agencies have no comment or objection:

- LACAC; and
- Hamilton Region Conservation Authority.

o The Building Department has advised as follows:

"The existing capacity of the hotel is 273 persons, which requires 46 cars, plus 4 cars for the new lodging rooms. The total required parking is 50 cars, but the amount provided is unknown.

The use is not permitted in the "K" zone."

o The Traffic Department has advised as follows:

"It is our understanding that a tavern requires 1 parking space per 6 persons who may be lawfully accommodated and a lodging house requires 1 parking space per 2 persons who may be lawfully accommodated. The Building Department has informed us that the tavern can accommodate 273 persons and there are 7 lodging rooms thereby requiring 50 parking spaces. Presently, there are only 12 parking spaces provided.

The Traffic Department has received a number of complaints from the residents of Rowanwood Street about lack of parking on Rowanwood Street and the surrounding area. We therefore, cannot support this application with its substantial reduction in supply of parking".

o The Engineering Department has advised as follows:

"...that public watermains as well as storm and sanitary sewers are available to service the subject land.

We have no objections to this application".

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. Although the proposed lodging room use has merit, it cannot be supported for the following reasons:
 - o adequate parking cannot be provided to accommodate the proposal. In this regard, a total of 50 parking spaces are required (existing tavern 46 + lodging rooms 4), whereas only 12 can be provided on site;
 - o approval of the application could further aggravate on-street parking problems in the surrounding area. In this regard, the Traffic Department has received a number of complaints from the residents of Rowanwood Street about the lack of parking.

It should be noted, that additional off-site parking is available on lands adjoining No. 8 Rowanwood Street (see APPENDIX "B") which would alleviate the parking problem. These lands are also owned by the owner of the tavern. However, the applicant (lessee) has advised that the owner is not prepared to have the use of these lands restricted, by By-law, for parking in conjunction with the operation of the tavern.

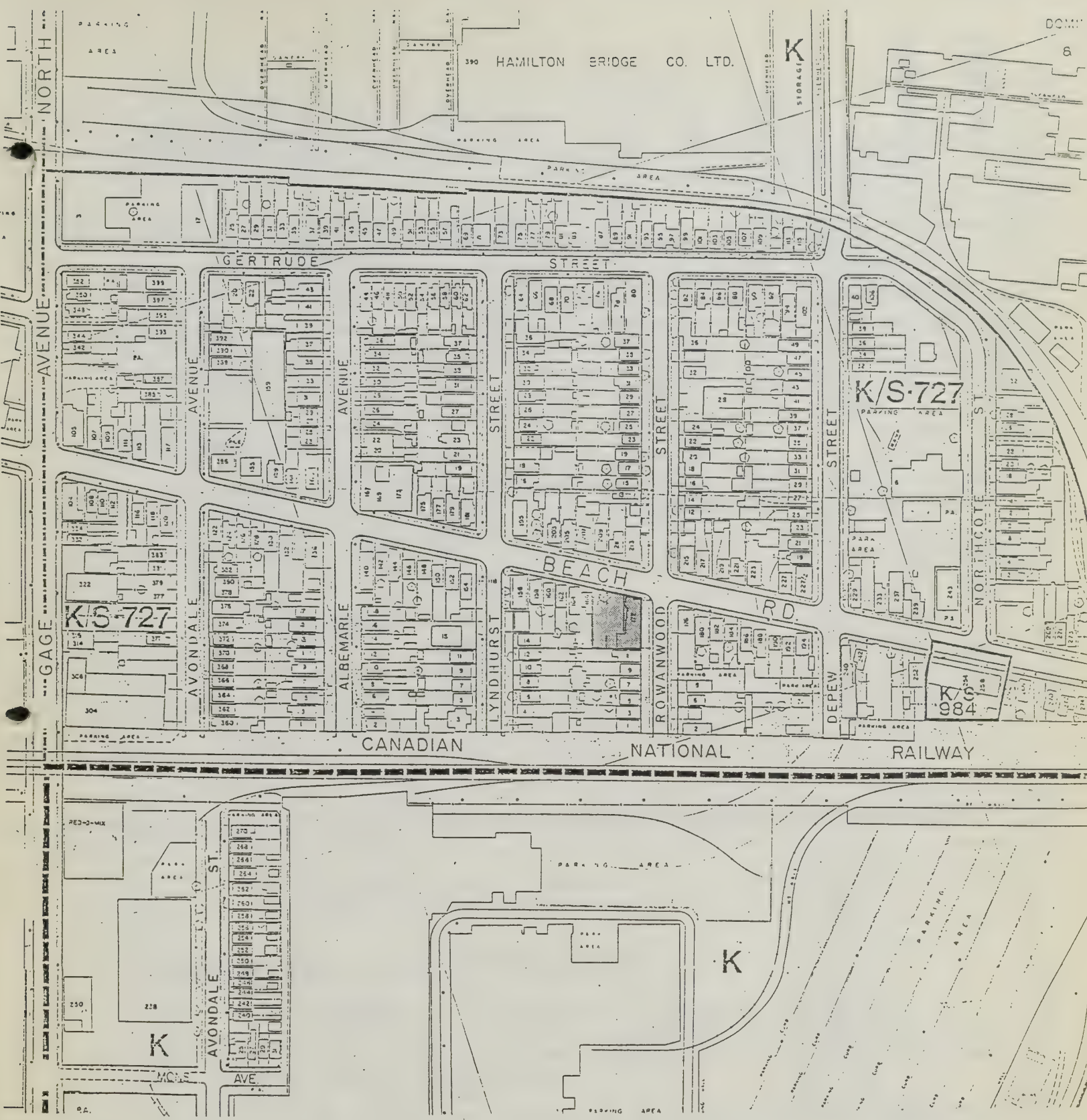
Furthermore, the applicant purports that the lodging rooms are legal non-conforming and have been in existence for approximately 40 years. However, the Building Department's records indicate that the established use is a hotel and accessory apartment (1957 and 1969). Accordingly, it would appear that the apartment was illegally converted to lodging rooms sometime after 1969.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

PDM/MPS:ma/dkp

WP 0217P



LEGEND



SITE OF THE APPLICATION



F O R A C T I O N

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 April 14
COMM FILE:
DEPT. FILE: ZA-89-09
GOURLEY
NEIGHBOURHOOD

SUBJECT:

Request for a change in zoning - 142 Stone Church Road West.

RECOMMENDATION

That approval be given to Zoning Application 89-09, Giovanni Marazzato, owner, for a change in zoning from "B-1" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District for property located at No. 142 Stone Church Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "B-1" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;
- ii) That Section 2 of By-law No. 66-134 passed by City Council on April 26, 1966, be deleted and that the subsequent sections appropriately amended;
- iii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "B-1" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District for property located at No. 142 Stone Church Road West, as shown on the attached key map.

The effect of the By-law is to create a building lot for a single-family detached dwelling, fronting onto Stone Church Road West.


V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

o Land Severance Application

The Regional Land Division Committee at its meeting held April 26, 1988 tabled Land Severance Application H-60-88 to convey a vacant parcel of land 49 ft. x 115 ft. for residential purposes, and to retain the balance of the holding being occupied by a single-family dwelling, pending approval of the revised Gourley Neighbourhood Plan and submission of a rezoning application.

On January 10, 1989 City Council approved the Gourley Neighbourhood Plan, and the applicant filed the subject zoning application on February 1, 1989.

The Regional Land Division Committee will rehear the Land Severance Application at its meeting to be held on April 25, 1989.

o By-law No. 66-139

On April 26, 1966, City Council passed By-law No. 66-139 which rezoned the subject lands, among others, from the "AA" (Agricultural) District to the "B-1" (Suburban Agriculture and Residential, etc.) District. Furthermore, the By-law set out the following special provision:

". . . in addition to being subject to the "B-1" (Suburban Agriculture and residential, etc.) District regulations, shall be subject to the requirement that no building or structure shall be erected upon the easterly Thirty-four Feet (34') throughout from front to rear thereof, and further to the requirement that the area requirements of the "B-1" (Suburban Agriculture and Residential, etc.) District shall be observed on the balance of the said westerly Thirty-four Feet (34') throughout from front to rear thereof, was a separate lot."

This provision is no longer applicable, as the revised Gourley Neighbourhood Plan does not provide for the southerly extension of Annabelle Street through the subject property.

LAND USE AND ZONING

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|--|---|
| <u>Subject Lands</u> | Single-family dwelling | "B-1" (Suburban Agriculture and Residential, etc.) District, modified |
| <u>Surrounding Lands</u> | | |
| To the north | Vacant lands and single-family dwellings | "AA" (Agricultural District |

| | | |
|--------------|--|--|
| To the south | Vacant lands and single-family dwellings | "AA" (Agricultural) District |
| To the east | Single-family dwellings | "B-1" (Surburban, Agriculture and Residential, etc.) District modified, and "AA" (Agricultural) District |
| To the west | Single-family dwellings | "B-1" (Surburban, Agriculture and Residential, etc.) District modified, and "AA" (Agricultural) District |

OFFICIAL PLAN

Designated "RESIDENTIAL", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Single and Double " residential development on the approved Gourley Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department has advised that:
 - "1. A 4'0" side yard is required on the east side of the existing dwelling.
 2. If the east wall contains more than 7% of glass, then a larger side yard is required to meet the Ontario Building Code.
 3. The new lot will have to meet the lot requirements (width and area) for the "C" zoning district if it was changed."
- The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains as well as sanitary and storm sewers are available to service the subject lands."
- The Hamilton Region Conservation Authority, the Local Architectural Conservation Advisory Committee Staff and the Traffic Department have no comments or objections.

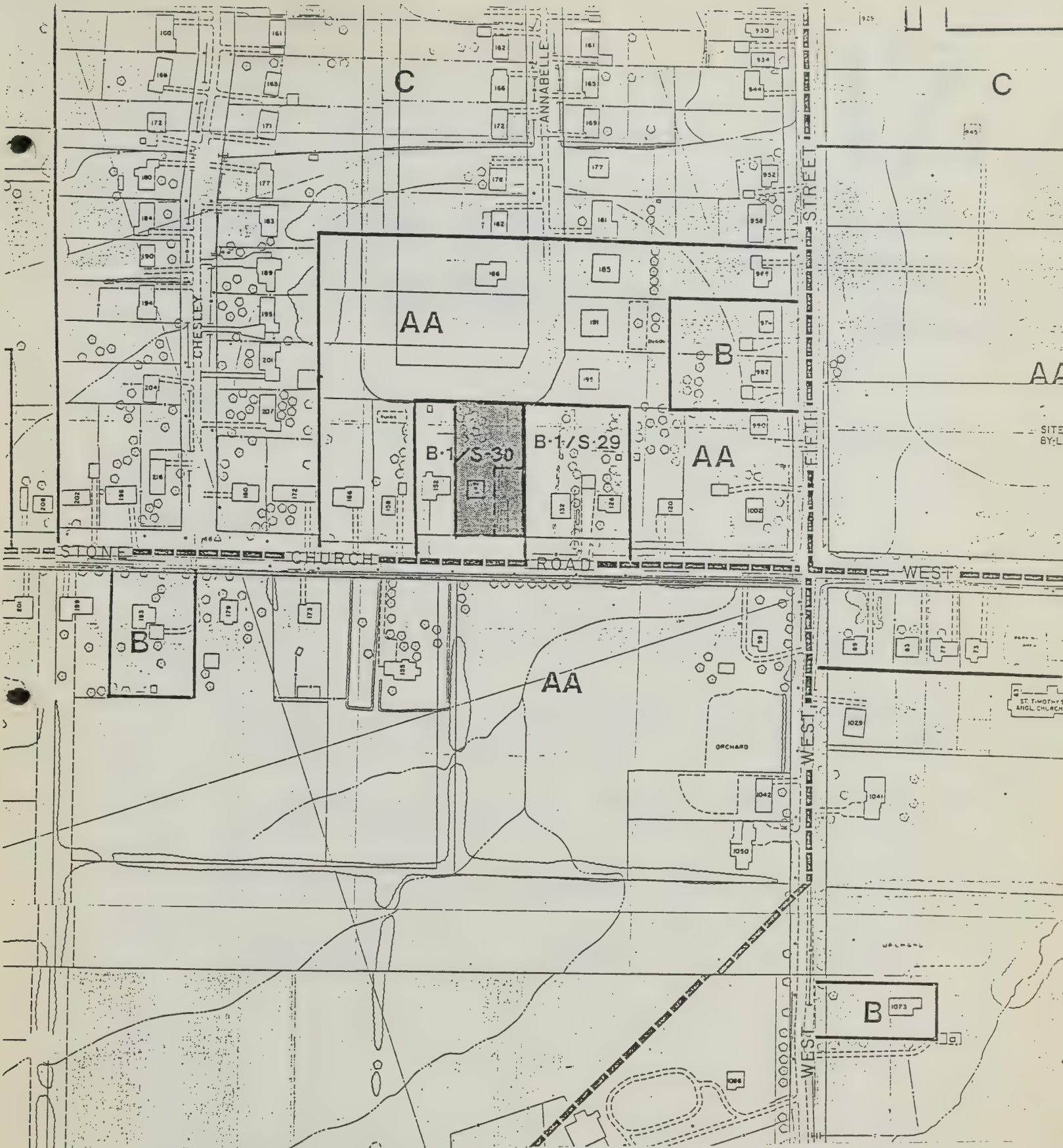
CONCLUSIONS

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Gourley Neighbourhood Plan.
3. The application has merit and can be supported for the following reasons:
 - it implements both the Official Plan and the intent of the Gourley Neighbourhood Plan;
 - it would be compatible with existing and proposed development in this area comprising single-family development;
 - it represents an "infill" situation and does not interfere with the orderly development of the neighbourhood; and,
 - the proposed lot would meet the minimum lot width and area requirements of the requested "C" District zoning.
4. The provisions of Section 2 of By-law 66-139 regarding the future extension of Annabelle Street no longer apply, as per the approved Gourley Neighbourhood Plan. Accordingly, the By-law should be appropriately amended.

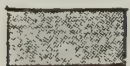
CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW:CS
0157P



Legend



Site of the Application



APPENDIX "A"

FOR ACTION

12.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 April 19
COMM FILE:
DEPT. FILE: ZA-89-13
KIRKENDALL
NORTH
NEIGHBOURHOOD

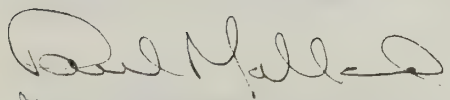
SUBJECT:

Request for a modification to the established zoning at No. 289 Locke Street South.

RECOMMENDATION

That Zoning Application 89-13, Henry and Olga Board, owners, requesting a modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations to permit commercial uses within the existing building located at 289 Locke Street South, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) The proposed commercial uses conflict with the intent of the Official Plan and approved Kirkendall North Neighbourhood Plan which designate the subject lands for residential use;
- ii) The proposed commercial uses would represent a further intrusion into the established residential area;
- iii) The proposed commercial uses would be incompatible with existing and future uses intended in the surrounding area; and
- iv) Approval of the application may encourage other similar applications in the surrounding area which, if approved, would detract from the residential character of the area.


V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

● Proposal

The applicant has requested a modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to permit limited commercial uses within the existing dwelling. The purpose of the application is to specifically permit the following commercial uses:

- general offices;
- medical offices;
- art gallery;
- gift shop; and,
- beauty salon.

● Zoning Application 87-97

It should be noted that the property to the north of the subject lands (i.e., 287 Locke Street South) was subject to Zoning Application 87-97 which culminated in the passing of By-law No. 88-106. The effect of By-law No. 88-106 was to allow the existing grocery/variety store and pizza take-out as permitted uses within the first floor of the existing building. The grocery/variety store was supported on the basis that the store was a "legal non-conforming use" which has been in existence for at least 26 years with no apparent detrimental effect to the surrounding residential uses. However, the proposal on the subject lands does not represent a similar situation.

APPLICANT

Henry and Olga Board, owners.

LOT SIZE AND AREA

| | <u>Existing Use</u> | <u>Existing Zoning</u> |
|--------------------------|--|---|
| <u>Subject Lands</u> | Single-family residential | "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District |
| <u>Surrounding Lands</u> | | |
| To the north | Grocery/variety store and a residential unit | "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District |
| To the south | Single-family dwellings | "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District |

| | | |
|-------------|---|---|
| To the east | Parking area, single and two-family dwellings | "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District |
| To the west | Church, single-family dwellings | "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District |

OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. Local commercial uses are permitted within a residential designation provided that the site is less than 0.4 ha in size and the use primarily relies on pedestrian traffic and serves the daily retail needs of surrounding residents. Furthermore, the Plan states that a medical practitioner's office may be permitted without the necessity of an amendment, provided that the proposed medical office:

- i) is situated on a major road;
- ii) is appropriately located with respect to adjacent residential uses;
- iii) will provide an acceptable amount of on-site parking; and,
- iv) will otherwise not detract from the character of the residential area.

The proposal does not comply with the intent of the Official Plan, given that it does not satisfy the requirements of i) through iv) above for the medical office use. The other commercial uses (e.g., art gallery, gift shop) do not primarily rely on pedestrian traffic, and generally serve the retail needs of a much wider area than that of the immediate surrounding residents. Therefore, if the application is approved, an Amendment to the Official Plan must be initiated to incorporate the subject lands into a Special Policy Area to permit the commercial uses.

NEIGHBOURHOOD PLAN

The subject lands are designated "RESIDENTIAL - SINGLE AND DOUBLE" uses in the approved Kirkendall North Neighbourhood Plan. The proposal does not comply. However, approval of the application will not necessitate an Amendment to the Neighbourhood Plan.

RESULTS OF CIRCULARIZATION

- The following agencies have no comments or objections:
 - Traffic Department;
 - Hamilton Region Conservation Authority;
 - LACAC.

- The Building Department has advised as follows:

"The total floor area of the building appears to be less than 450 m², therefore, the only proposed use that would require parking spaces is medical offices."

- The Hamilton-Wentworth Department of Engineering has advised that:

"Public watermains as well as storm and sanitary sewers are available to service the subject lands.

We do not anticipate any further road allowance widening at this time.

According to our records, there is a front yard Parking Agreement between the owner and the City of Hamilton. The status of this agreement should be determined by the Traffic Department, particularly if the parking may be used for commercial instead of residential use. Also, there appears to be a planter box within the Locke Street road allowance which requires an encroachment agreement as a condition of approval.

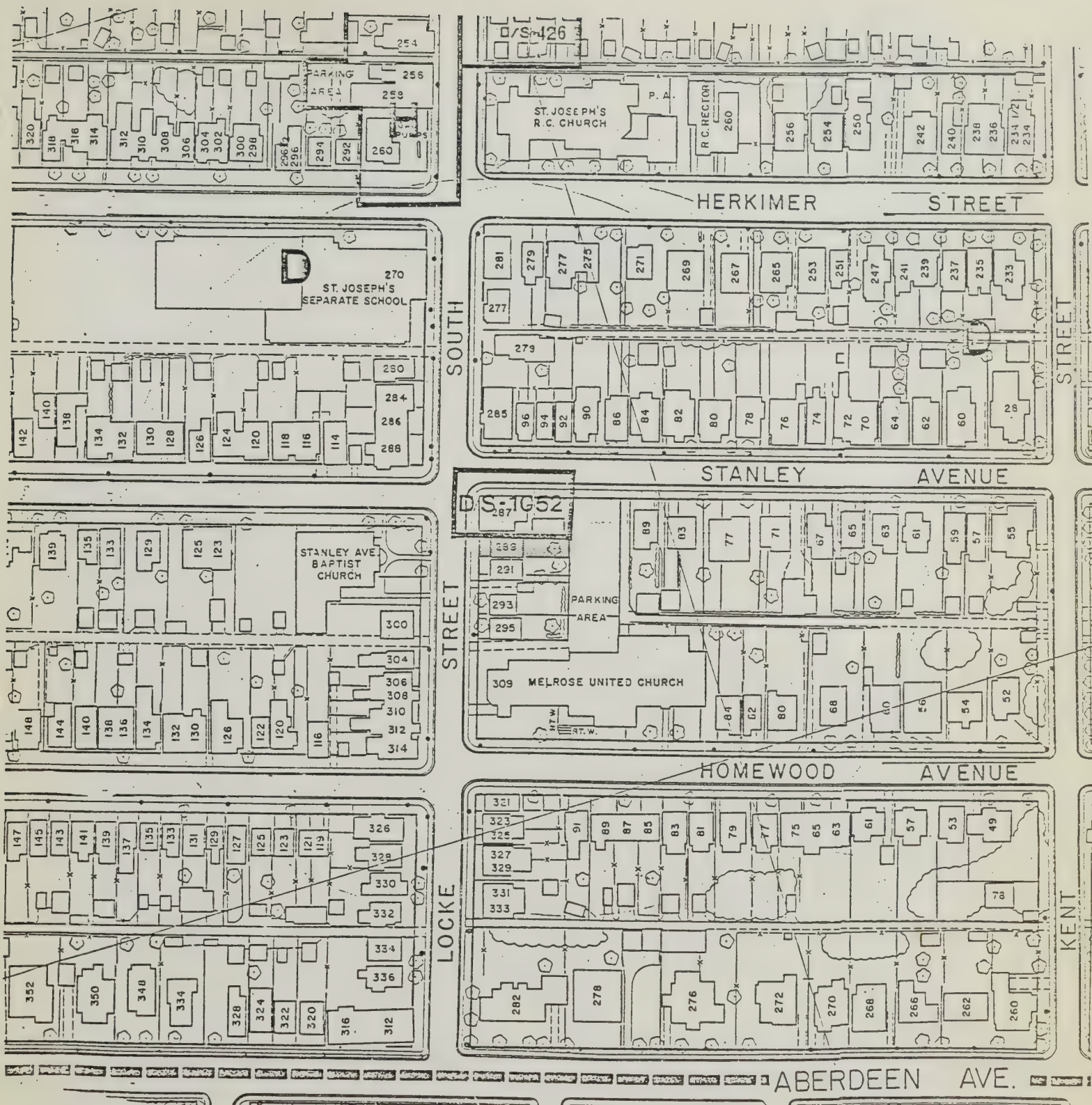
The board fence which also encroaches the road allowance is contrary to the City's Streets By-law and remains at the risk of the owner/applicant."

COMMENTS

1. The proposal does not comply with the intent of the Official Plan, and therefore, if approved, would require an Amendment to establish a Special Policy Area to permit limited commercial uses within the "RESIDENTIAL" designation.
2. The proposal does not comply with the approved Kirkendall North Neighbourhood Plan, however an amendment to the "SINGLE AND DOUBLE RESIDENTIAL" designation would not be required, if the application is approved.
3. The proposal can be supported for the following reasons:
 - it conflicts with the intent of both the Official Plan and the approved Kirkendall North Neighbourhood Plan which designate the lands "RESIDENTIAL" and "SINGLE AND DOUBLE RESIDENTIAL", respectively;
 - approval of the application may encourage other similar applications in the surrounding area which, if approved, would detract from the residential character of the area;
 - the requested commercial uses would represent a further intrusion into the established residential area; and
 - it would be incompatible with existing and future intended uses in the surrounding area.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.



12a.

71 Stanley Ave.
Hamilton, Ontario L8P 2L2
March 23, 1989

| | |
|----------------|---------|
| SEARCHED | INDEXED |
| SERIALIZED | FILED |
| MAR 23 1989 | |
| FBI - HAMILTON | |
| ADMIN | |

Planning & Development Dept.
City Hall
Hamilton, Ontario

Mar 23 1989

Dear Sir:

Re: File #: ZA-89-13

This letter is in response to the notice for a proposed zoning change for the property at 289 Locke St. S. Our understanding is that a request has been made to change the property from residential to commercial. I have major reservations concerning this proposal.

In previous letters to the Planning and Development Committee (November 4, 1987 and October 11, 1988), I have expressed concern because of the heavy traffic circulation at the corner of Locke and Stanley. A major problem has arisen from delivery vehicles and customer vehicles parking in front of the variety store located at the southeast corner leading to obstruction of vision of both cars and pedestrians trying to cross from the east to the west side of Stanley Ave. across Locke St. There are many children who cross this intersection going to a number of schools in our area. Adding another commercial establishment at this corner would only compound an already very dangerous situation.

In addition, this part of Locke St. has been a residential area while further north on Locke has been more commercial. The present owners of the named property at 289 Locke St. S. have been attempting to sell it for a long time without success. However, this does not justify converting the residential establishment to a commercial edifice at the possible detriment to the rest of the neighborhood.

Sincerely,

Mark Levine

Mark Levine, M.D., M.Sc., F.R.C.P.(C)

ML:lw

FOR ACTION

13a.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 April 19
COMM FILE:
DEPT. FILE: ZA-89-26
Rymal
Neighbourhood

SUBJECT:

Request for a modification to the existing zoning - property located at No. 10 Hempstead Drive.

RECOMMENDATION

That approval be given to Zoning Application 89-26, Linda MacKenzie and Sharon Addison, lessees, for a modification to the established "M-14" (Prestige Industrial) District, for property located at No. 10 Hempstead Drive, as shown on the attached map marked as Appendix "A", on the following basis:

- i) That the "M-14" (Prestige Industrial) District regulations as contained in Section 17F of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variance:
 - a) That Notwithstanding Section 17F(1)(b) of Zoning By-law 6593, the following commercial uses shall be permitted within the existing building:

| <u>Commercial Uses</u> | <u>Identification
No.</u> |
|--|-------------------------------|
| 1. Other Amusement and Recreational Services n.e.c., restricted to: <ul style="list-style-type: none">1.1 An indoor miniature golf course. | 9699 |
| 2. Licensed Restaurant, only in conjunction with an indoor miniature golf course. | 9211 |
| 3. Unlicensed Restaurant (excluding drive-in), only in conjunction with an indoor miniature golf course. | 9212 |

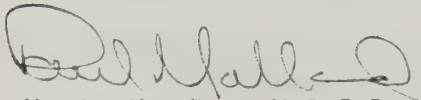
- ii) That the amending By-law added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-59D be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council; and,
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of this By-law is to modify the established "M-14" (Prestige Industrial) District for property located at No. 10 Hempstead Drive, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to permit the following additional uses within the existing building:

- indoor miniature golf course; and
- a restaurant in conjunction with the indoor miniature golf course



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The applicant intends to establish a restaurant in conjunction with an indoor miniature golf course to cater and provide leisure activities to families and senior citizens, in addition to the serving the employees of businesses in the surrounding area. It should be noted that the proposed use will occupy only a portion of the existing building on the subject lands.

APPLICANT

Linda MacKenzie and Sharon Addison, lessee.

LOT SIZE AND AREA

The subject lands are rectangular in shape and have approximately:

- 39.9 m (131 ft.) in frontage;
- 108.5 m (356 ft.) in depth; and
- 0.43 ha (1.07 ac.) in area.

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|--------------------------|----------------------------|---------------------------------------|
| <u>SUBJECT LANDS</u> | vacant industrial building | "M-14" (Prestige Industrial) District |
| <u>SURROUNDING LANDS</u> | | |
| to the north | industrial | "M-14" (Prestige Industrial) District |
| to the south | industrial | "M-14" (Prestige Industrial) District |
| to the east | industrial | "M-14" (Prestige Industrial) District |
| to the west | industrial | "M-14" (Prestige Industrial) District |

OFFICIAL PLAN

The subject lands are designated "INDUSTRIAL" on Schedule "A" of the Official Plan, and identified as "SPECIAL POLICY AREA 11" on Schedule B. In this regard, the following policy, amongst others, would apply:

- "1.2.3.15 In addition to the ancillary uses that may be permitted in INDUSTRIAL areas as set out in Policy 2.3.1, clubs or establishments catering to leisure activities may be permitted in the LIGHT INDUSTRIAL category".

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated "Restricted Industrial" in the approved Mountain Industrial Area Neighbourhood Plan, the proposal does not comply. However, approval of the application would not necessitate an Amendment to the Neighbourhood Plan.

RESULTS OF CIRCULARIZATION

- The following agencies and departments have no comments or objections:
 - LACAC;
 - Traffic Department; and
 - Hamilton Region Conservation Authority.
- The Building Department has advised as follows:

"Please specify in the By-law the minimum number of parking spaces required for the miniature golf course section".
- The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains and separate storm and sanitary sewers are available to service the subject lands".

COMMENTS

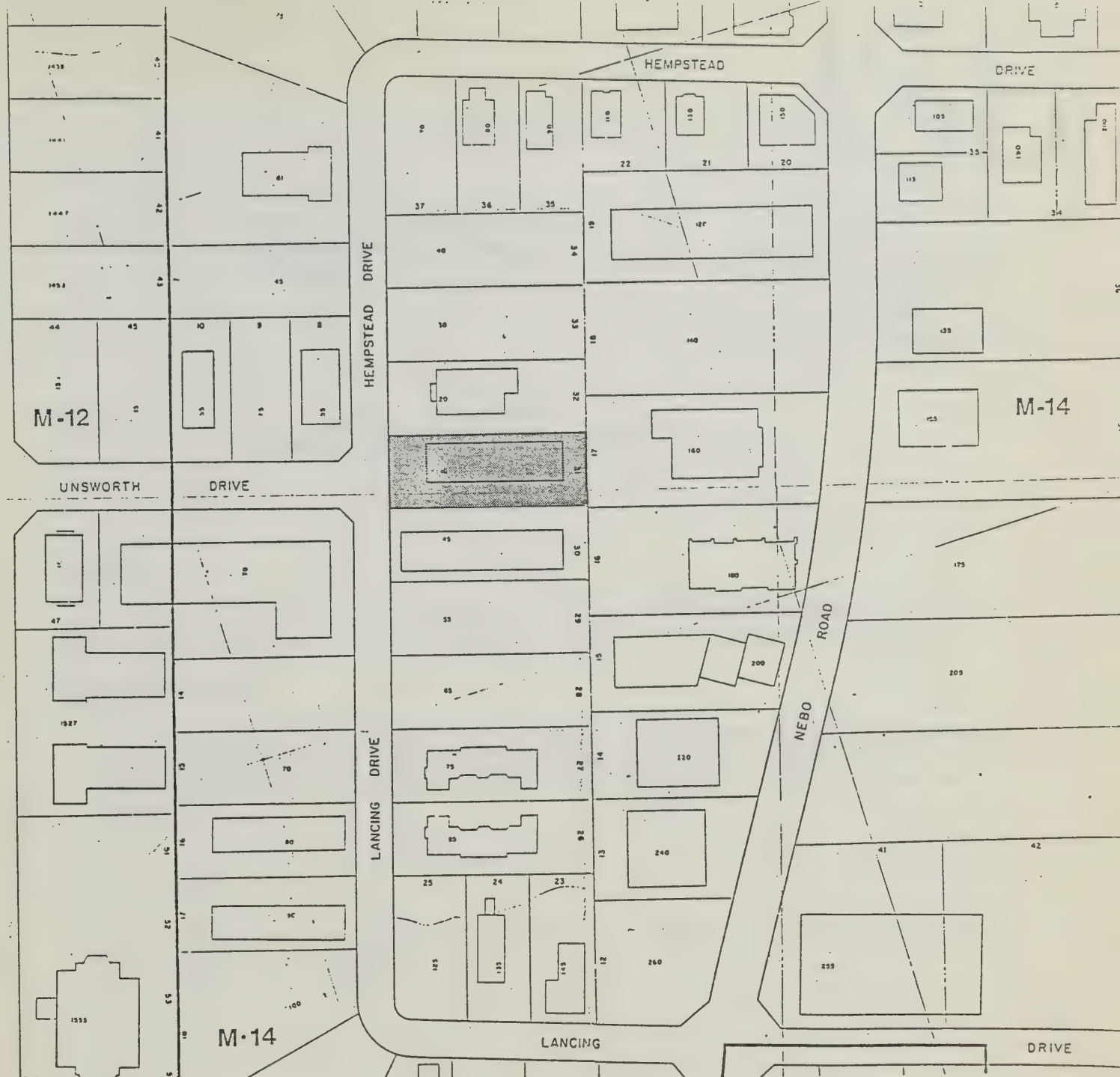
1. The proposal complies with the intent of the Official Plan.
2. The proposal conflicts with the intent of the approved Mountain Industrial Area Neighbourhood Plan, however a change to the "Restricted Industrial" designation would not be required.
3. The proposal has merit and can be supported for the following reasons:
 - it implements the intent of the Official Plan which permits "...clubs or establishments catering to leisure activities...";
 - it would not adversely affect the surrounding industrial uses; and
 - the proposed restaurant would be subordinate and accessory to the indoor mini-golf course.

CONCLUSION

On the basis of the foregoing, the application can be supported.

HY/ma
WP0420P

UPPER OTTAWA STREET



LEGEND



SITE OF THE APPLICATION



APPENDIX "A"

FOR ACTION

13b

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: 1989 April 18
COMM FILE:
DEPT FILE: DA-88-125
(DA-88-17)
Rymal
Neighbourhood

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT


SUBJECT:

Site Plan Control Application DA-88-125 to amend Site Plan Control
Application DA-88-17 to include a pylon sign at 10 Hempstead Drive.

RECOMMENDATION

That Site Plan Control Application DA-88-125 to amend Site Plan Control
Application DA-88-17 by Mr. G. Sebastian, owner of lands known as 10
Hempstead Drive, to include a pylon sign be DENIED for the following
reasons:

- i) the sign is not permitted within the 5.4 m front yard landscape area;
and
- ii) the pylon sign could be located in a location which complies with
By-law requirements.


Victor J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND

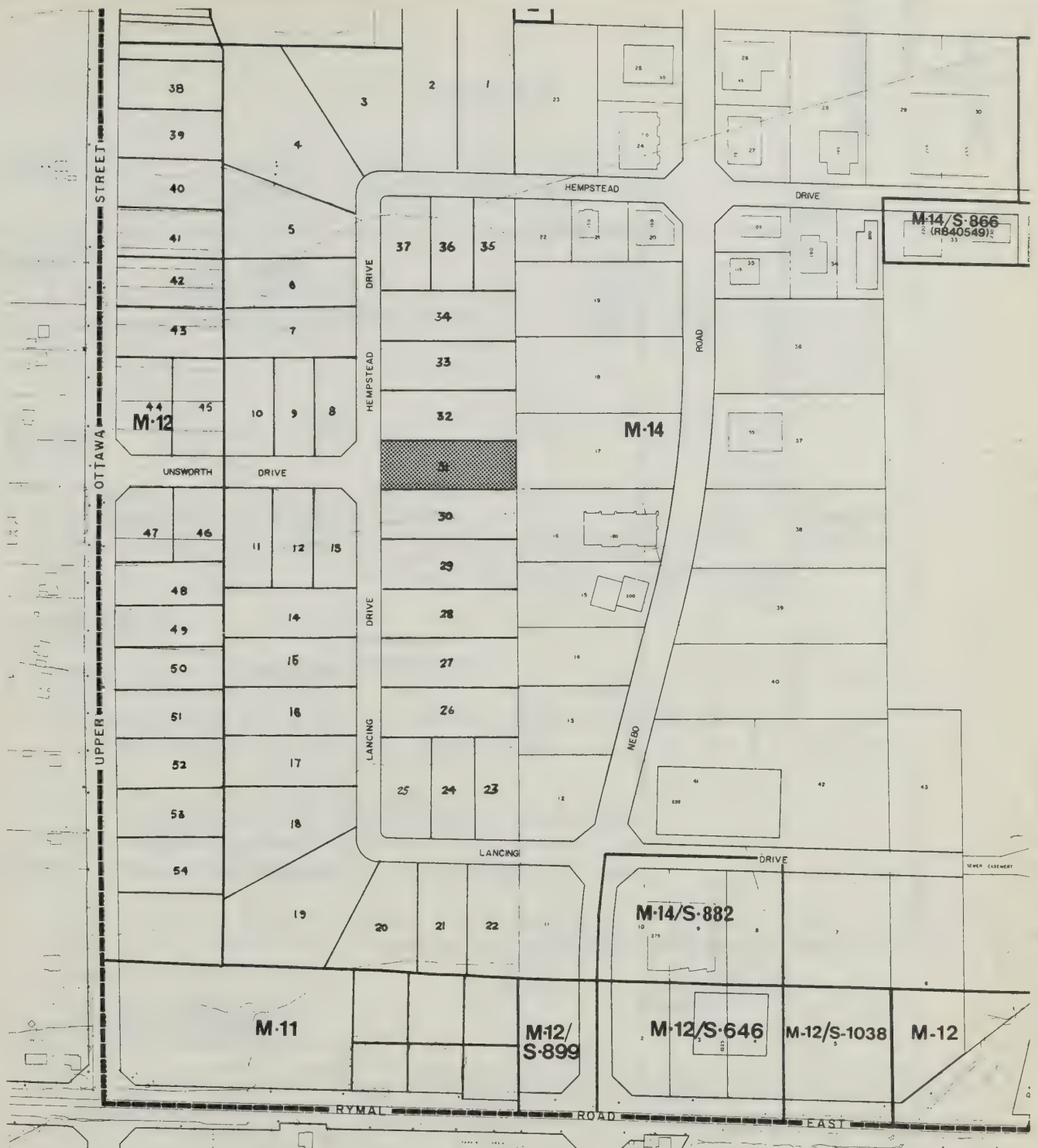
Plans have been submitted to amend Site Plan Control Application DA-88-17 to
include a pylon sign at 10 Hempstead Drive. The pylon sign is proposed to be
located 1.58 m from the front property line.

The Building Department has advised that the By-law requires a 5.4 m minimum setback from the front property line for the pylon sign, instead of the proposed 1.58 m. Furthermore, the total sign area of all signs shall not exceed 40 m² for this development.

The Planning Department notes that the pylon sign could be located in the landscaped island adjacent to the entrance which would comply with By-law requirements. The landscape area which was provided as part of the approved plans of Site Plan Control Application DA-88-17 provides sufficient space and visibility for the pylon sign. Therefore, the Department cannot support the proposed location within 1.58 m of the front property line.

It should be noted that the applicant has constructed the sign in the proposed location 1.58 m from the front property line without a building permit and a site plan control amendment. An "Order to Comply" and subsequent letter from the Building Department has prompted this Site Plan Control Application DA-88-125.

JL/ma
WP0319P



120 RYMAL

City of Hamilton
Plan Showing
Lands Subject to
Site Plan Control
Application DA-88-125

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application

North



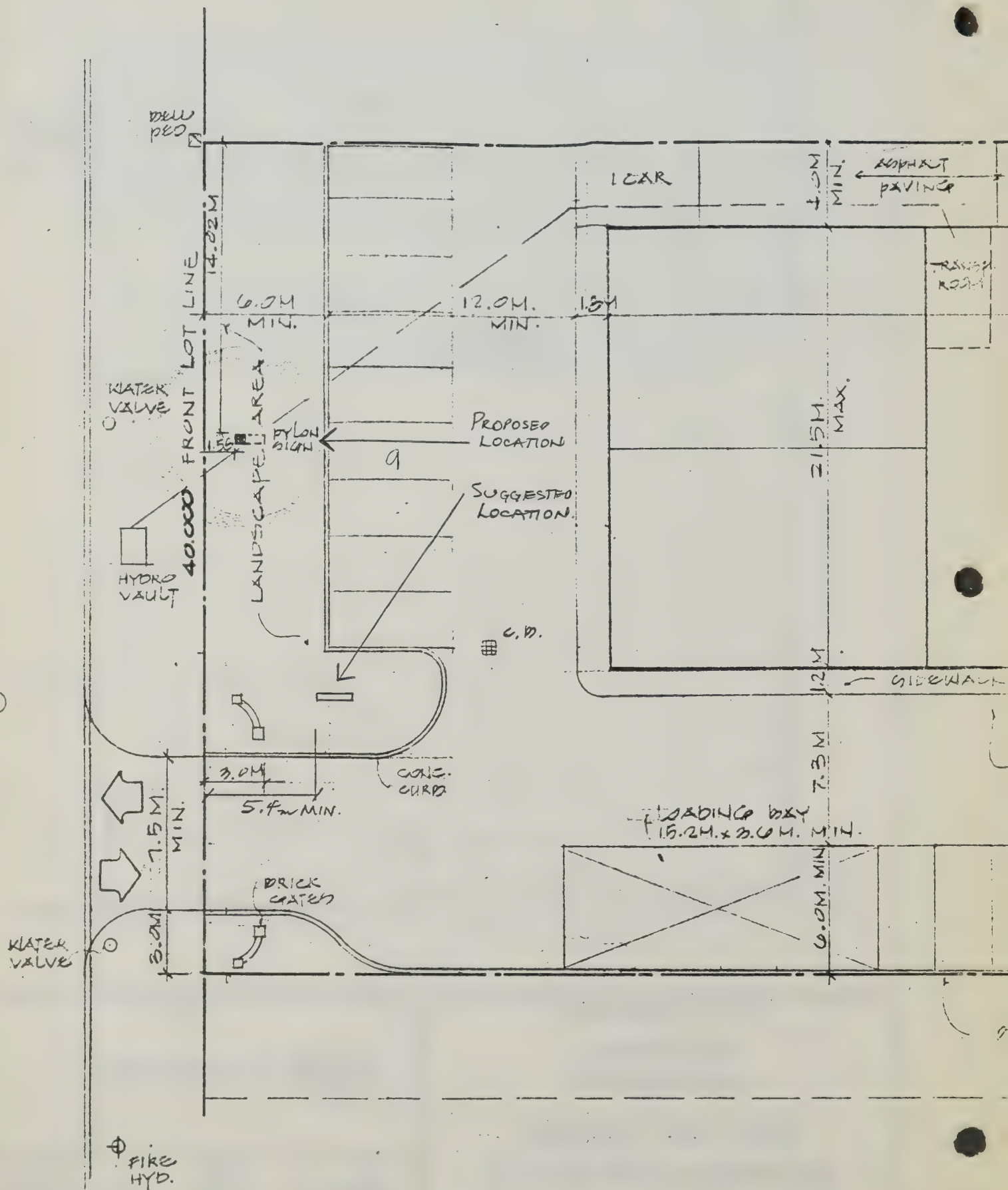
Scale
1:5000

Date
NOV.1988

Reference File No.
DA-88-125

Drawn By
G.G.

HEMPSTEAD



SITE PLAN

14.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1989 APRIL 17
COMM FILE:
DEPT FILES: ZA-89-11
SA-88-19
25T-88031

SUBJECT

- o Proposed Official Plan Amendment;
- o Proposed Rezoning Application;
- o Proposed Draft Plan of Subdivision "Sandra Gardens".

RECOMMENDATION

1) Official Plan Amendment

That approval be given to Official Plan Amendment No.
to redesignate the subject lands from:

- o "Open Space" to "Residential";
- o "Residential" to "Open Space";
- o "Major Institutional" to "Open Space"; and
- o "Major Institutional" to "Residential";

and that the City Solicitor be directed to prepare a by-law to amend the
Official Plan for submission to the Regional Municipality of
Hamilton-Wentworth.

2) Zoning Application

That approval be given to Zoning Application 89-11, DiCenzo Construction
Co. Ltd., owner, for changes in zoning from "AA" (Agricultural) District
to "A" (Conservation, Open Space, Park and Recreation) District (Block
"1"), to "C" (Urban Protected Residential, etc.) District (Block "2"), to
"R-4" (Small Lot Single-Family Detached) District (Blocks "3" and "4"),
and to "RT-20" (Townhouse - Maisonette) District (Blocks "5", "6" and
"7"), for lands located south of Rymal Road East and east of Miles Road,
as shown on the attached map marked as APPENDIX "A", on the following
basis:

- i) That the lands described as Block "1" be rezoned from "AA"
(Agricultural) District to "A" (Conservation, Open Space, Park and
Recreation) District;

- ii) That the lands described as Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- iii) That the lands described as Blocks "3" and "4" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- iv) That the lands described as Blocks "5", "6" and "7" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;
- v) That the "RT-20" (Townhouse-Maisonette) District regulations as contained in Section 10E of Zoning By-law No. 6593 applicable to the lands described as Blocks "5", "6" and "7" be modified to include the following variance as a special provision:
 - 1. That Section 10E(2)(a)3. shall not apply;
- vi) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38E and E-49E for presentation to City Council;
- vii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-38E and E-49E be notated S- ;
- viii) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth;
- ix) That the Broughton East and Broughton West Neighbourhood Plans be appropriately amended in accordance with the attached maps marked as APPENDICES "B" and "B-1".

EXPLANATORY NOTE

The purpose of the By-law is to provide for the following changes in zoning for property located south of Rymal Road East and east of Miles Road, as shown on the attached map marked as APPENDIX "A":

- Block "1" - Change from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District;
- Block "2" - Change from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- Blocks "3" and "4" - Change from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

Blocks "5" - Change from "AA" (Agricultural) District to "RT-20"
"6" and "7" (Townhouse - Maisonette) District, modified.

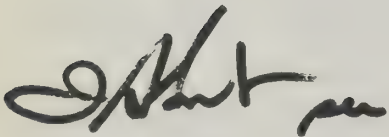
The effect of the By-law is to permit development of the subject lands on the following basis:

- Block "1" - Establish an Open Space Area (Parkland);
- Block "2" - Permit development for single-family detached dwellings;
- Blocks "3" and "4" - Permit development for "small lot" single-family detached dwellings;
- Blocks "5" "6" and "7" - Permit development for townhouses, excluding street townhouses.

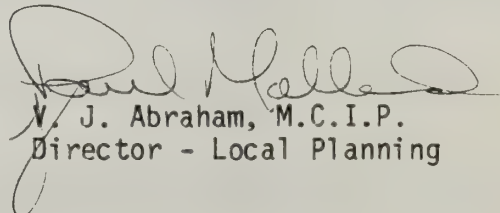
3) Subdivision Application

- a) That approval be given to Application SA-88-19, DiCenzo Construction Co. Ltd., owner, to establish a draft plan of subdivision south of Rymal Road and west of Upper Gage Avenue subject to the following conditions:
 - 1. That approval apply to the plan prepared by A. J. Clarke and Associates, dated September 19, 1988, revised to show 282 lots, 8 blocks (Blocks "283" to "291") for development with adjacent lands, 3 blocks (Blocks "292", "293" and "294") for townhouse development, 1 block (Block "295") for park purposes, 2m x 2m daylight triangles at L-shaped roadways, 12m x 12m daylight triangles at the intersection of Upper Gage Avenue and Street "C", a widening on Street "C" to 26.0m road width, 4 blocks (Blocks "296" to "300") for 0.3m reserves, a 15m radius turnaround road and a relotting of lots fronting on Upper Gage Avenue.
 - 2. That the road allowances be dedicated as a public highway on the final plan.
 - 3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - 4. That the final plan conform with the Zoning By-law approved under The Planning Act.
 - 5. That the owner convey 5% of the lands included in the plan to the City of Hamilton for park purposes, said conveyance to comprise part of Block "295".
 - 6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 8. That the dead-ends and open sides of the road allowances (Blocks "296" to "300") created by the plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of adjacent lands.
 9. That Blocks "283" to "291" inclusive be developed only in conjunction with abutting lands.
 10. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 11. That the owner establish a 15.0m turnaround road at the termination of Beaverbrook Avenue, a road which was draft approved under Regional File No. 25T-79018 (Lillian Heights).
 12. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-19), Di Cenzo Construction Co. Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

Owner

DiCenzo Construction Company Ltd., Hamilton, Ontario

Surveyor

A. J. Clarke & Associates Ltd., Hamilton, Ontario

Location

The lands, comprising 23.425 ha, are located south of Rymal Road East and west of Upper Gage Avenue in the Broughton West and Broughton East Neighbourhoods, City of Hamilton.

LAND USE AND ZONING

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|--|--|
| <u>Subject Lands</u> | Vacant | "AA" (Agricultural) District |
| <u>Surrounding Lands</u> | | |
| To the north | Single-family dwellings and townhouses | "AA" (Agricultural) District, and "RT-10" (Townhouse) District |
| To the south | Vacant, Hydro power line corridor | "A" (Agricultural) District - Glanbrook Township |
| To the east | Vacant | "RT-10" (Townhouse) District, "C" (Urban Protected Residential, etc.) District, and "R-4" (Small Lot Single-Family Detached) District (By-law subject to final approval) |
| To the west | Single-family dwellings | "B" (Suburban Agriculture and Residential, etc.) District |

PROPOSAL-SUBDIVISION

The owner revised the plan and now proposes to subdivide the lands into 284 lots for single-family dwellings, 3 blocks for Townhouses, one block for Open Space, and 8 blocks for development with abutting lands for future single-family dwellings. The lots will be serviced from new streets extending southerly from Rymal Road East and from the area of Lillian Heights (25T-79018). The minimum lot size proposed has a width of 10m and an area of 311m².

PROPOSAL - ZONING

The applicant has requested changes in zoning for the lands shown on the attached map marked as APPENDIX "A" on the following basis:

Change in zoning from "AA" (Agricultural) District to:

Block "1" - "A" (Conservation, Open Space, Park and Recreation) District;

Block "2" - "C" (Urban Protected Residential, etc.) District;

Blocks "3" - "R-4" (Small Lot Single-Family Detached) District;
and "4"

Blocks "5" - "RT-20" (Townhouse - Maisonette) District.
"6" and "7"

The purpose of the proposed changes in zoning is as follows:

Block "1" - Establish an Open Space Area (Parkland);

Block "2" - Permit development for single-family detached dwellings;

Blocks "3" - Permit development for "small lot" single-family detached
and "4" dwellings;

Blocks "5" - Permit development for townhouses.
"6" and "7"

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" in the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential", "Major Institutional", "Open Space" and "Utilities". An amendment to the Official Plan is required to permit the proposed development.

Neighbourhood Plan - the proposed plan does not conform with the following Neighbourhood Plan proposed land uses:

- i) civic and institutional (separate school site);
- ii) civic and institutional and single and double, northwest of the proposed park and recreational area;
- iii) civic and institutional, park and recreational, and single and double, the proposed road pattern varies from the proposed plan.

An amendment to the Neighbourhood Plan is required to permit the proposed development.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands are zoned "AA" (Agricultural) District. An amendment to the Zoning By-law is required to permit the proposed development.

COMMENTS FROM CIRCULATION

1. Subdivision Application

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs;
Ministry of Transportation and Communications;
Ministry of the Environment (subject to standard noise conditions for all lots close to Rymal Road and Upper Gage Avenue);
Ministry of Natural Resources;
Ministry of Citizenship and Culture (subject to standard conditions);
Hamilton Region Conservation Authority;
Union Gas, Bell Telephone;
City of Hamilton Board of Education;
Hamilton-Wentworth Separate School Board;
City of Hamilton Traffic Department (subject to provision of road access);
City of Hamilton Building Department (subject to rezoning).

The following agencies have requested that specific conditions of approval be included:

Ontario Hydro, Toronto;
Trans Canada Pipelines.

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

For your information:

1. The proposed development can be serviced with storm and sanitary sewers as soon as these sewers are extended from the east (through adjoining Lillian Heights subdivision) to the east limit of this proposed development. This may occur within the next year.
2. The proposed subdivision can be serviced for water from the existing watermains on Rymal Road, Miles Road and Upper Gage Avenue. However, Blocks "304" to "306" cannot be serviced until developed with adjoining lands to the east.

3. It is expected that the Region will cost share for watermain oversizing in the approximate amount of \$182,000.00.
4. In the event Street "G" is deleted, a 3.048m road widening would be required on Miles Road.

Recommendation

1. A 12m wide sewer easement is required across Block "311".
2. The extension of Beaver Brook Avenue from the east limit of the subdivision across Block "313" to Upper Gage Avenue, for the continuation of the sewer system should be clarified or alternatively, a 12m wide sewer easement should be provided.
3. It is recommended that the extension of Upper Gage Avenue be continued at a width of 36.58m from the existing established limits to the south City limits.
4. 2m x 2m daylight triangles are required at all L-shaped roadways and the plan should be revised accordingly (Lots 126, 94, 213, 264, and 228).
5. A transition radii of 9m is required on Court "E" between the street and cul-de-sac bulb.
6. It is recommended that Street "C" align centreline to centreline on each side of Upper Gage Avenue, and align centreline to centreline with Street "E" in Lillian Heights draft plan of subdivision. In addition, Street "C" must be established at 26m width from Upper Gage Avenue to a point 90m west of Upper Gage Avenue. 12m x 12m daylight triangles are required at all corners of the intersection of Upper Gage Avenue and Street "C" (from widened limits).
7. The location of Upper Gage Avenue is satisfactory, providing the applicant demonstrates that the straight projection of the road allowance will have sufficient clearance from existing Ontario Hydro towers.
8. It is recommended that the centreline radius of Ossington Drive be 110m.
9. It is recommended that street access to Upper Gage Avenue from Lots 13 to 20 be restricted. The lots should be turned around to front on Street "C" and Ossington Drive.
10. The developer must enter into a Subdivision Agreement with both the City of Hamilton and the Region prior to the development of any portion of these lands.
11. The submitted draft plan as prepared by A. J. Clarke, O.L.S., and dated September 19, 1988, is satisfactory to the Department of Engineering, subject to the above-noted comments and recommendations.

2. Rezoning Application

The following comments were received:

- o The Building Department has advised that:

"The "R-4" section is subject to a plan of subdivision."

- o The Traffic Department has advised that:

"We cannot support any zoning that would allow street townhouses to front onto Rymal Road or Upper Gage Avenue. (Blocks 5, 6, 7)

We also cannot support R4 zoning for those portions of Blocks "3" and "4" that front onto Rymal Road or Upper Gage Avenue. The two lots in Block "3" and eight lots in Block "4" are affected by this."

- o The Hamilton-Wentworth Engineering Department has advised that:

"Municipal servicing and related costs will be dealt with through the subdivision process (Sandrina Gardens).

Our previous comments were submitted under the draft plan of the subdivision known as SANDRINA GARDENS. These comments are still applicable.

The only item outstanding is the exact alignment of Upper Gage Avenue, since it has not been determined where the alignment through the Hydro Corridor will be located."

- o The Hamilton Region Conservation Authority and The Local Architectural Conservation Advisory Committee staff have no comments or objections.

- o Trans-Canada Pipelines has advised that:

"We have no objection to the proposed rezoning, provided the matters raised in our letter dated January 17, 1989, to Mr. J. L. Schwarz are given due consideration. In this respect, we would specifically request that the townhouse zoning of blocks "6" and "7" be carefully planned so that our right-of-way does not form part of the townhouse blocks. Ideally, the right-of-way should be fenced off and used as open space or parkland."

COMMENTS

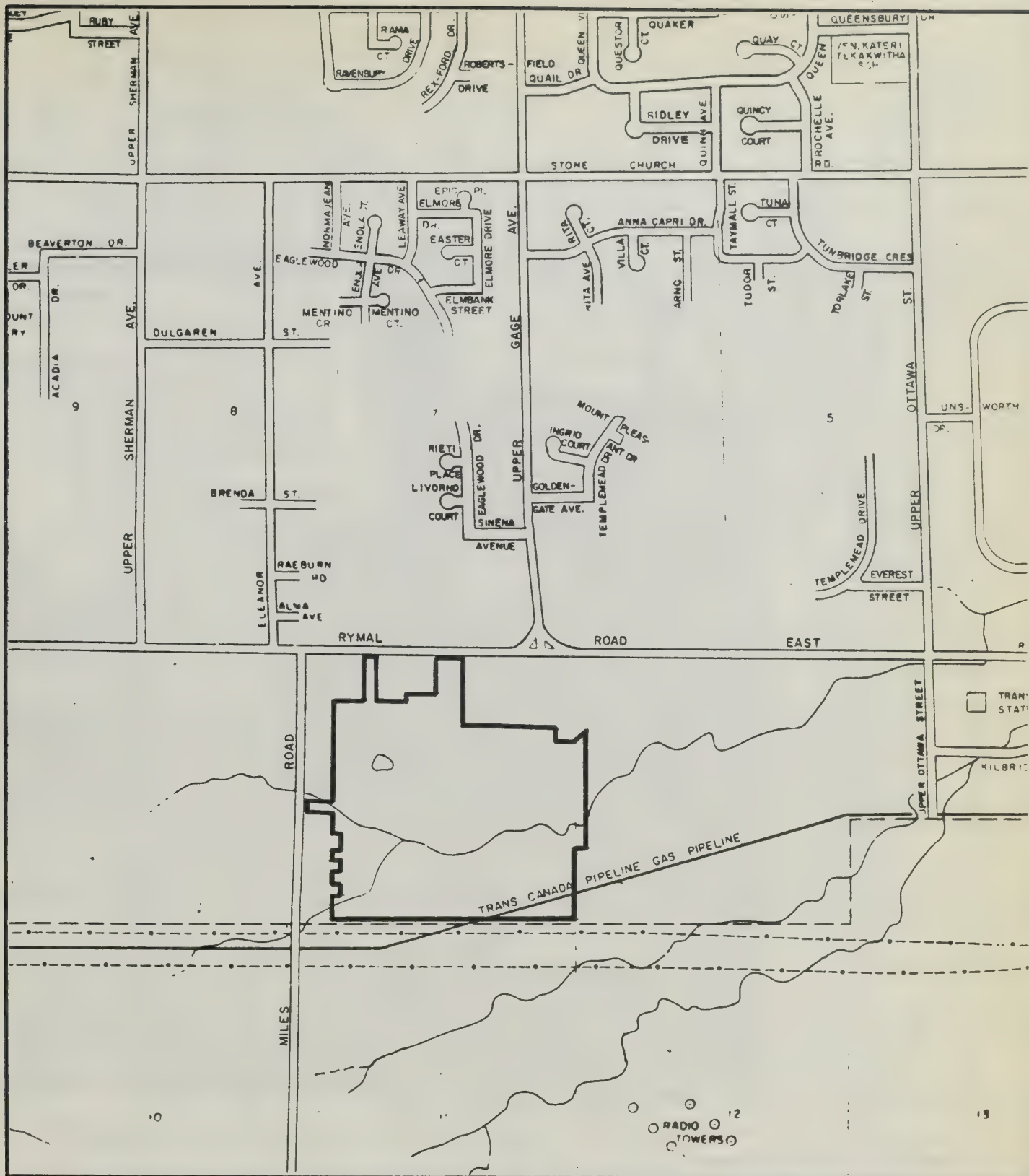
The following comments were received:

1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision, a proposed amendment to the Zoning By-law to implement the plan and a proposed amendment to the Official Plan to redesignate lands to permit the proposed land uses.
2. The need for Official Plan, Zoning By-law and Neighbourhood Plan amendments is noted.

3. The lands include an area designated for a park in the approved Neighbourhood Plan, therefore, it is recommended that land be taken as the parkland requirement for this plan of subdivision.
4. The proposal has merit and can be supported for the following reasons:
 - o it implements the residential policies of the Official Plan by providing a variety of housing styles, types and densities as well as a desired mix of housing where practicable;
 - o it implements the draft Provincial Housing Policy by providing affordable housing opportunities;
 - o it would be compatible with existing and proposed development contemplated in this area; and,
 - o the requested changes in zoning are appropriate for the proposed development of the lands.

It should be noted that the proposal involves a number of minor changes and boundary adjustments to the land use designations in the approved Neighbourhood Plans. However, these changes do not affect the intent of the Plan or the designated density. For example, the separate school site is no longer required by the Separate School Board, and has been designated for single and double residential use (Block "1" - APPENDIX "B") and Park and Recreation Use (Block "2" - APPENDIX "B").

5. In keeping with the request of the Traffic Department and their concerns respecting individual accesses onto Upper Gage Avenue, it is suggested that the amending By-law contain a provision to prohibit street-townhouse development.
6. The proposed changes to the Neighbourhood Plan should be implemented upon approval of the Official Plan and Zoning Application and the draft plan of subdivision by City Council.
7. The requirements of the Ministry of the Environment, the Ministry of Citizenship and Culture, Ontario Hydro and Trans Canada Pipelines can be implemented through the conditions of draft approval to be established by the Regional Municipality.

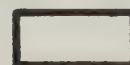


Location Plan For

SANDRINA GARDENS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North

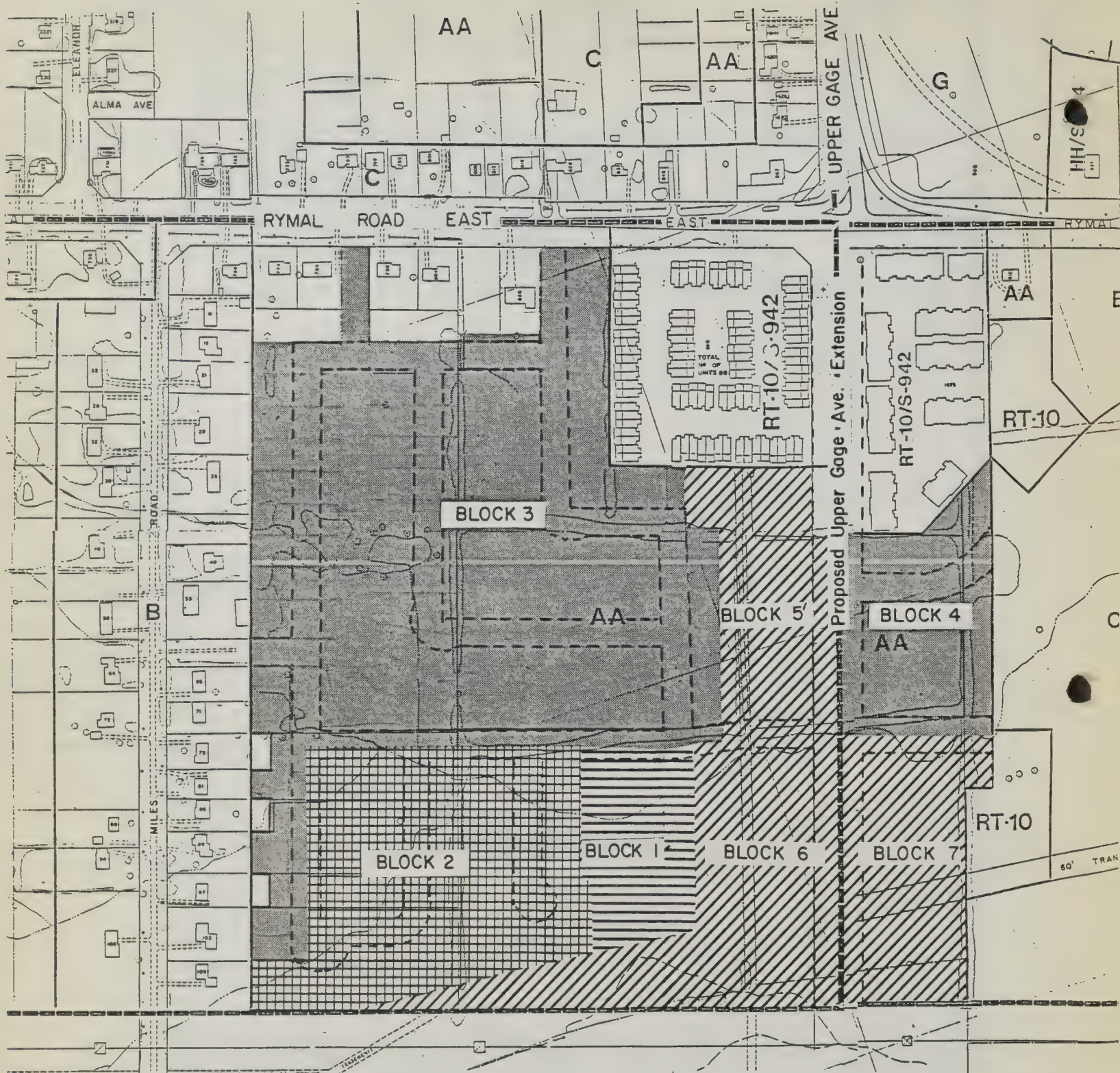


Scale
N. T. S.

Date
OCT. 5, 1988

Reference File No.
25T- 88031

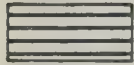
Drawing No.



LEGEND

PROPOSED CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO :

BLOCK 1



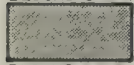
"A" (CONSERVATION, OPEN SPACE, PARK AND RECREATION) DISTRICT

BLOCK 2



"C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.

BLOCKS 3 & 4

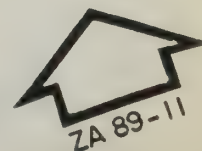


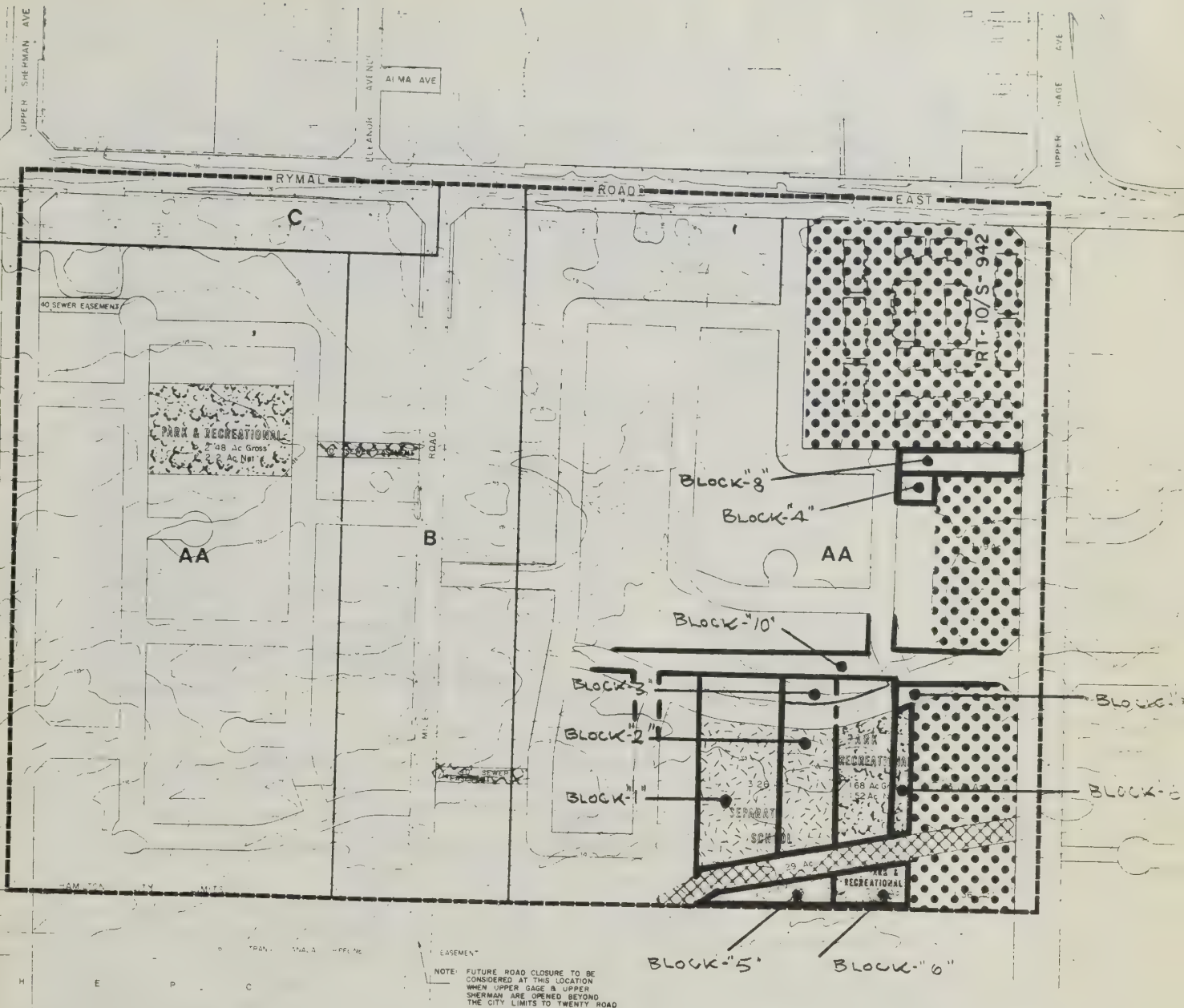
"R-4" (SMALL LOT SINGLE-FAMILY DETACHED) DISTRICT.

BLOCKS 5, 6 & 7



"RT-20" (TOWNHOUSE - MAISONETTE) DISTRICT, MODIFIED





NOTE: THIS IS A GUIDE PLAN ONLY AND IS SUBJECT TO CHANGE FOR DETAILS CONTACT THE LOCAL PLANNING DIVISION OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH.

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apts.
- medium density apts.
- high density apts.
- commercial & apts.

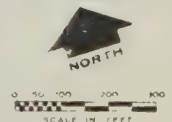
- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

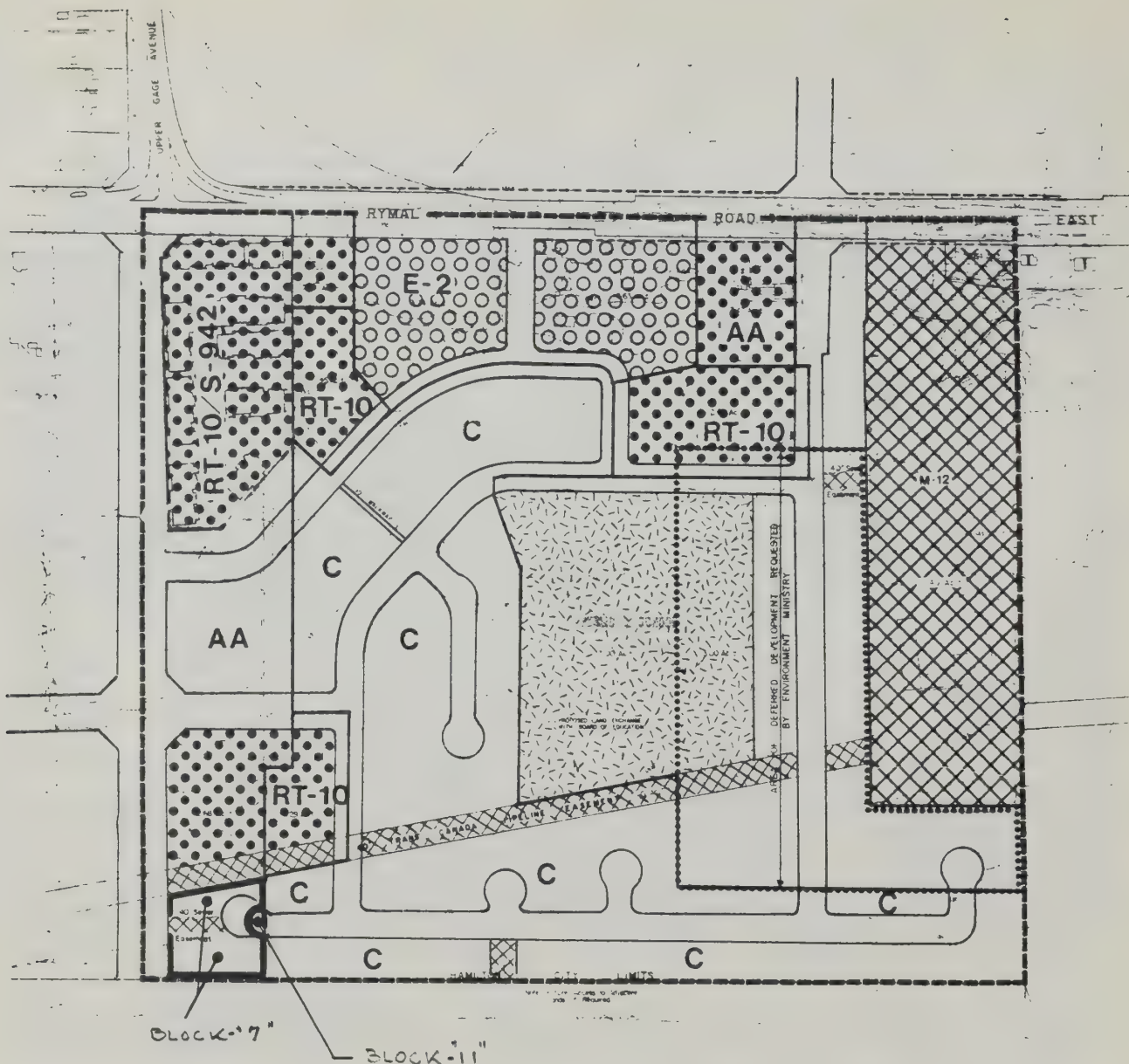
- Neighbourhood Boundary
- Zoning Boundary
- Staging of Development Boundary

Approvals
Planning Bd. NOV. 10, 1976 Council NOV 30, 1976
Revisions

CITY OF HAMILTON
PLANNING DEPARTMENT

BROUGHTON WEST
APPROVED PLAN





LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apts.
- medium density apts.
- high density apts.
- commercial & apts.

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

NOTE: THIS IS A GUIDE PLAN ONLY AND IS SUBJECT TO CHANGE
FOR DETAIL CONTACT THE LOCAL PLANNING DIVISION OF
THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

- Neighbourhood Boundary
- Zoning Boundary
- Development Freeze

Approvals

Planning Comm. JULY 15, 1987
JULY 14, 1976

Council JULY 28, 1987
NOV. 5, 1976

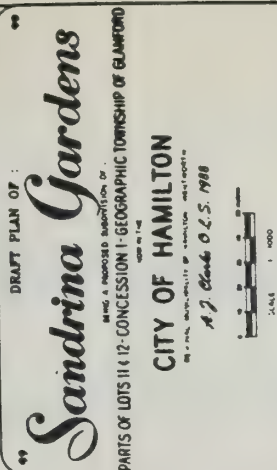
Revisions

CITY OF HAMILTON
PLANNING DEPARTMENT

BROUGHTON EAST
APPROVED PLAN



0 100 FEET



NOTE: THIS IS A DRAFT PLAN AND IS SUBJECT TO REVISION AFTER AMENDMENT #1

METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE
CONVERTED TO FEET BY MULTIPLYING BY 0.3048

RE CHAPTER 340 - R 3.0 - 1983 SECTION 20 IN THE PLANNING ACT

- [illegible]

SURVEYOR'S CERTIFICATE:

CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SURVEYED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND TRULY SHOWN.

DATE _____
DEPT 000000 10.1000

OWNER'S AUTHORIZATION:

WE, BLUARD CONSTRUCTION COMPANY LIMITED, BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A CLARKE AND ASSOCIATES TO PREPARE AND SUBMIT THIS ORBAT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON—BENTONVILLE FOR THEIR APPROVAL.

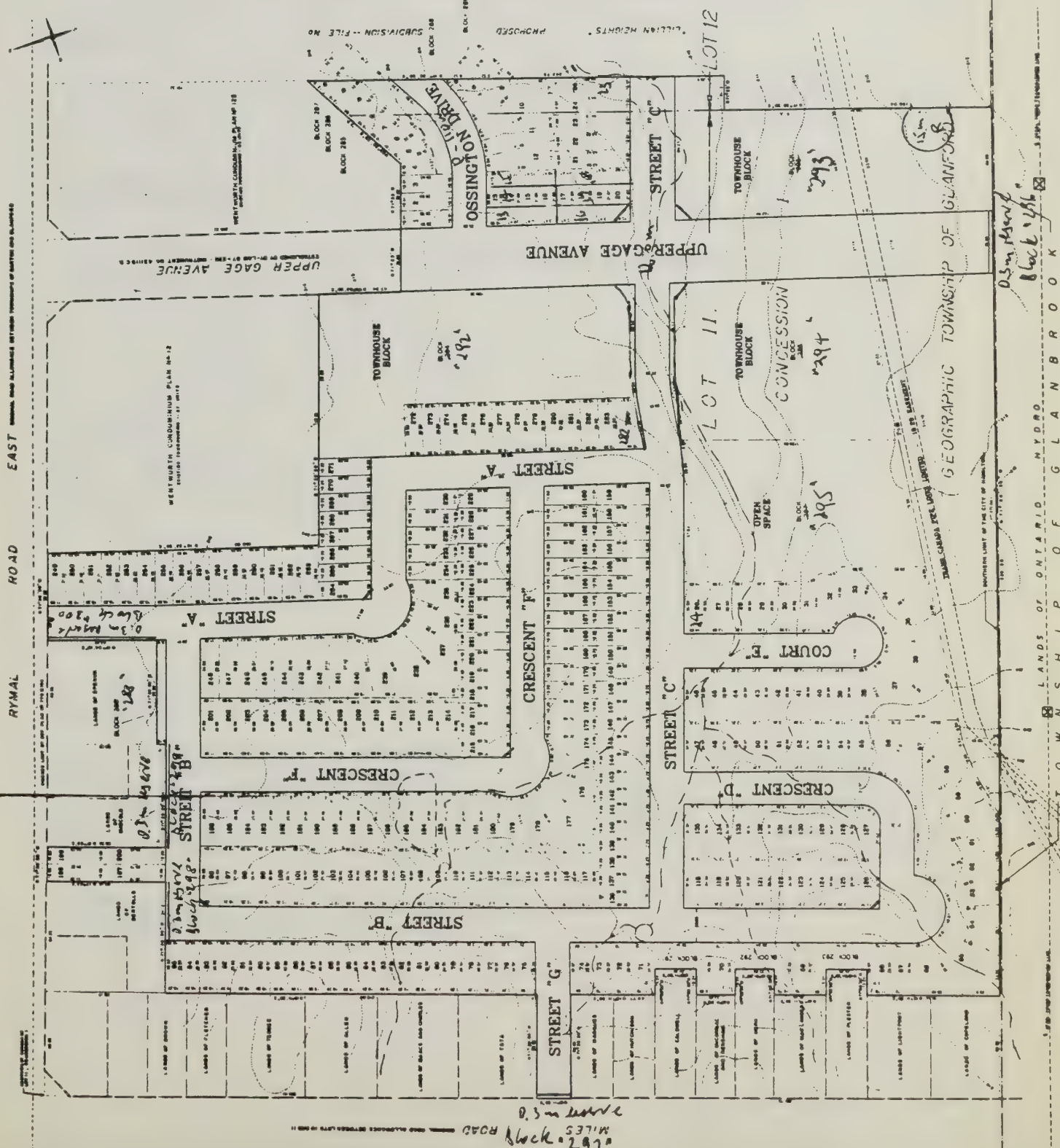
[illegible]

DATE _____
RECEIVED FEBRUARY 7, 1966

LAND USE SCHEDULE:

1974-1975, 1976-1977, 1978-1979, 1980-1981, 1982-1983, 1984-1985, 1986-1987, 1988-1989, 1990-1991, 1992-1993, 1994-1995, 1996-1997, 1998-1999, 2000-2001, 2002-2003, 2004-2005, 2006-2007, 2008-2009, 2010-2011, 2012-2013, 2014-2015, 2016-2017, 2018-2019, 2020-2021, 2022-2023, 2024-2025, 2026-2027, 2028-2029, 2030-2031, 2032-2033, 2034-2035, 2036-2037, 2038-2039, 2040-2041, 2042-2043, 2044-2045, 2046-2047, 2048-2049, 2050-2051, 2052-2053, 2054-2055, 2056-2057, 2058-2059, 2060-2061, 2062-2063, 2064-2065, 2066-2067, 2068-2069, 2070-2071, 2072-2073, 2074-2075, 2076-2077, 2078-2079, 2080-2081, 2082-2083, 2084-2085, 2086-2087, 2088-2089, 2090-2091, 2092-2093, 2094-2095, 2096-2097, 2098-2099, 2100-2101, 2102-2103, 2104-2105, 2106-2107, 2108-2109, 2110-2111, 2112-2113, 2114-2115, 2116-2117, 2118-2119, 2120-2121, 2122-2123, 2124-2125, 2126-2127, 2128-2129, 2130-2131, 2132-2133, 2134-2135, 2136-2137, 2138-2139, 2140-2141, 2142-2143, 2144-2145, 2146-2147, 2148-2149, 2150-2151, 2152-2153, 2154-2155, 2156-2157, 2158-2159, 2160-2161, 2162-2163, 2164-2165, 2166-2167, 2168-2169, 2170-2171, 2172-2173, 2174-2175, 2176-2177, 2178-2179, 2180-2181, 2182-2183, 2184-2185, 2186-2187, 2188-2189, 2190-2191, 2192-2193, 2194-2195, 2196-2197, 2198-2199, 2200-2201, 2202-2203, 2204-2205, 2206-2207, 2208-2209, 2210-2211, 2212-2213, 2214-2215, 2216-2217, 2218-2219, 2220-2221, 2222-2223, 2224-2225, 2226-2227, 2228-2229, 2230-2231, 2232-2233, 2234-2235, 2236-2237, 2238-2239, 2240-2241, 2242-2243, 2244-2245, 2246-2247, 2248-2249, 2250-2251, 2252-2253, 2254-2255, 2256-2257, 2258-2259, 2260-2261, 2262-2263, 2264-2265, 2266-2267, 2268-2269, 2270-2271, 2272-2273, 2274-2275, 2276-2277, 2278-2279, 2280-2281, 2282-2283, 2284-2285, 2286-2287, 2288-2289, 2290-2291, 2292-2293, 2294-2295, 2296-2297, 2298-2299, 2300-2301, 2302-2303, 2304-2305, 2306-2307, 2308-2309, 2310-2311, 2312-2313, 2314-2315, 2316-2317, 2318-2319, 2320-2321, 2322-2323, 2324-2325, 2326-2327, 2328-2329, 2330-2331, 2332-2333, 2334-2335, 2336-2337, 2338-2339, 2340-2341, 2342-2343, 2344-2345, 2346-2347, 2348-2349, 2350-2351, 2352-2353, 2354-2355, 2356-2357, 2358-2359, 2360-2361, 2362-2363, 2364-2365, 2366-2367, 2368-2369, 2370-2371, 2372-2373, 2374-2375, 2376-2377, 2378-2379, 2380-2381, 2382-2383, 2384-2385, 2386-2387, 2388-2389, 2390-2391, 2392-2393, 2394-2395, 2396-2397, 2398-2399, 2400-2401, 2402-2403, 2404-2405, 2406-2407, 2408-2409, 2410-2411, 2412-2413, 2414-2415, 2416-2417, 2418-2419, 2420-2421, 2422-2423, 2424-2425, 2426-2427, 2428-2429, 2430-2431, 2432-2433, 2434-2435, 2436-2437, 2438-2439, 2440-2441, 2442-2443, 2444-2445, 2446-2447, 2448-2449, 2450-2451, 2452-2453, 2454-2455, 2456-2457, 2458-2459, 2460-2461, 2462-2463, 2464-2465, 2466-2467, 2468-2469, 2470-2471, 2472-2473, 2474-2475, 2476-2477, 2478-2479, 2480-2481, 2482-2483, 2484-2485, 2486-2487, 2488-2489, 2490-2491, 2492-2493, 2494-2495, 2496-2497, 2498-2499, 2500-2501, 2502-2503, 2504-2505, 2506-2507, 2508-2509, 2510-2511, 2512-2513, 2514-2515, 2516-2517, 2518-2519, 2520-2521, 2522-2523, 2524-2525, 2526-2527, 2528-2529, 2530-2531, 2532-2533, 2534-2535, 2536-2537, 2538-2539, 2540-2541, 2542-2543, 2544-2545, 2546-2547, 2548-2549, 2550-2551, 2552-2553, 2554-2555, 2556-2557, 2558-2559, 2560-2561, 2562-2563, 2564-2565, 2566-2567, 2568-2569, 2570-2571, 2572-2573, 2574-2575, 2576-2577, 2578-2579, 2580-2581, 2582-2583, 2584-2585, 2586-2587, 2588-2589, 2590-2591, 2592-2593, 2594-2595, 2596-2597, 2598-2599, 2600-2601, 2602-2603, 2604-2605, 2606-2607, 2608-2609, 2610-2611, 2612-2613, 2614-2615, 2616-2617, 2618-2619, 2620-2621, 2622-2623, 2624-2625, 2626-2627, 2628-2629, 2630-2631, 2632-2633, 2634-2635, 2636-2637, 2638-2639, 2640-2641, 2642-2643, 2644-2645, 2646-2647, 2648-2649, 2650-2651, 2652-2653, 2654-2655, 2656-2657, 2658-2659, 2660-2661, 2662-2663, 2664-2665, 2666-2667, 2668-2669, 2670-2671, 2672-2673, 2674-2675, 2676-2677, 2678-2679, 2680-2681, 2682-2683, 2684-2685, 2686-2687, 2688-2689, 2690-2691, 2692-2693, 2694-2695, 2696-2697, 2698-2699, 2700-2701, 2702-2703, 2704-2705, 2706-2707, 2708-2709, 2710-2711, 2712-2713, 2714-2715, 2716-2717,

A. J. Clarke and Associates Ltd.
PROFESSIONAL ENGINEERS AND ARCHITECTS AND SURVEYORS
11, 13 & 15, ABINGDON ROAD, OXFORD, ENGLAND
TELEPHONE: 52311, 52312, 52313, 52314, 52315, 52316, 52317, 52318, 52319, 52320, 52321, 52322, 52323, 52324, 52325, 52326, 52327, 52328, 52329, 52330, 52331, 52332, 52333, 52334, 52335, 52336, 52337, 52338, 52339, 52340, 52341, 52342, 52343, 52344, 52345, 52346, 52347, 52348, 52349, 52350, 52351, 52352, 52353, 52354, 52355, 52356, 52357, 52358, 52359, 52360, 52361, 52362, 52363, 52364, 52365, 52366, 52367, 52368, 52369, 52370, 52371, 52372, 52373, 52374, 52375, 52376, 52377, 52378, 52379, 52380, 52381, 52382, 52383, 52384, 52385, 52386, 52387, 52388, 52389, 52390, 52391, 52392, 52393, 52394, 52395, 52396, 52397, 52398, 52399, 52400, 52401, 52402, 52403, 52404, 52405, 52406, 52407, 52408, 52409, 52410, 52411, 52412, 52413, 52414, 52415, 52416, 52417, 52418, 52419, 52420, 52421, 52422, 52423, 52424, 52425, 52426, 52427, 52428, 52429, 52430, 52431, 52432, 52433, 52434, 52435, 52436, 52437, 52438, 52439, 52440, 52441, 52442, 52443, 52444, 52445, 52446, 52447, 52448, 52449, 52450, 52451, 52452, 52453, 52454, 52455, 52456, 52457, 52458, 52459, 52460, 52461, 52462, 52463, 52464, 52465, 52466, 52467, 52468, 52469, 52470, 52471, 52472, 52473, 52474, 52475, 52476, 52477, 52478, 52479, 52480, 52481, 52482, 52483, 52484, 52485, 52486, 52487, 52488, 52489, 52490, 52491, 52492, 52493, 52494, 52495, 52496, 52497, 52498, 52499, 52500, 52501, 52502, 52503, 52504, 52505, 52506, 52507, 52508, 52509, 52510, 52511, 52512, 52513, 52514, 52515, 52516, 52517, 52518, 52519, 52520, 52521, 52522, 52523, 52524, 52525, 52526, 52527, 52528, 52529, 52530, 52531, 52532, 52533, 52534, 52535, 52536, 52537, 52538, 52539, 52540, 52541, 52542, 52543, 52544, 52545, 52546, 52547, 52548, 52549, 52550, 52551, 52552, 52553, 52554, 52555, 52556, 52557, 52558, 52559, 52560, 52561, 52562, 52563, 52564, 52565, 52566, 52567, 52568, 52569, 52570, 52571, 52572, 52573, 52574, 52575, 52576, 52577, 52578, 52579, 52580, 52581, 52582, 52583, 52584, 52585, 52586, 52587, 52588, 52589, 52590, 52591, 52592, 52593, 52594, 52595, 52596, 52597, 52598, 52599, 52600, 52601, 52602, 52603, 52604, 52605, 52606, 52607, 52608, 52609, 52610, 52611, 52612, 52613, 52614, 52615, 52616, 52617, 52618, 52619, 52620, 52621, 52622, 52623, 52624, 52625, 52626, 52627, 52628, 52629, 52630, 52631, 52632, 52633, 52634, 52635, 52636, 52637, 52638, 52639, 52640, 52641, 52642, 52643, 52644, 52645, 52646, 52647, 52648, 52649, 52650, 52651, 52652, 52653, 52654, 52655, 52656, 52657, 52658, 52659, 52660, 52661, 52662, 52663, 52664, 52665, 52666, 52667, 52668, 52669, 52670, 52671, 52672, 52673, 52674, 52675, 52676, 52677, 52678, 52679, 52680, 52681, 52682, 52683, 52684, 52685, 52686, 52687, 52688, 52689, 52690, 52691, 52692, 52693, 52694, 52695, 52696, 52697, 52698, 52699, 52700, 52701, 52702, 52703, 52704, 52705, 52706, 52707, 52708, 52709, 52710, 52711, 52712, 52713, 52714, 52715, 52716, 52717, 52718, 52719, 52720, 52721, 52722, 52723, 52724, 52725, 52726, 52727, 52728, 52729, 52730, 52731, 52732, 52733, 52734, 52735, 52736, 52737, 52738, 52739, 52740, 52741, 52742, 52743, 52744, 52745, 52746, 52747, 52748, 52749, 52750, 52751, 52752, 52753, 52754, 52755, 52756, 52757, 52758, 52759, 52760, 52761, 52762, 52763, 52764, 52765, 52766, 52767, 52768, 52769, 52770, 52771, 52772, 52773, 52774, 52775, 52776, 52777, 52778, 52779, 52780, 52781, 52782, 52783, 52784, 52785, 52786, 52787, 52788, 52789, 52790, 52791, 52792, 52793, 52794, 52795, 52796, 52797, 52798, 52799, 52800, 52801, 52802, 52803, 52804, 52805, 52806, 52807, 52808, 52809, 52810, 52811, 52812, 52813, 52814, 52815, 52816, 52817, 52818, 52819, 52820, 52821, 52822, 52823, 52824, 52825, 52826, 52827, 52828, 52829, 52830, 52831, 52832, 52833, 52834, 52835, 52836, 52837, 52838, 52839, 52840, 52841, 52842, 52843, 52844, 52845, 52846, 52847, 52848, 52849, 52850, 52851, 52852, 52853, 52854, 52855, 52856, 52857, 52858, 52859, 52860, 52861, 52862, 52863, 52864, 52865, 52866, 52867, 52868, 52869, 52870, 52871, 52872, 52873, 52874, 52875, 52876, 52877, 52878, 52879, 52880, 52881, 52882, 52883, 52884, 52885, 52886



F O R A C T I O N

15.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

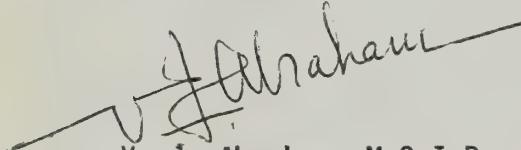
DATE: 1989 April 10
COMM FILE:
DEPT. FILE: P5-2-50

SUBJECT:

Proposed land exchange between the Hamilton-Wentworth Roman Catholic Separate School Board and the City of Hamilton; Falkirk East Neighbourhood.

RECOMMENDATION

That the Falkirk East Neighbourhood Plan land use designations be amended as shown on attached Map 1.


V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The Parks and Recreation Committee forwarded a land exchange proposal to the Planning and Development Committee for consideration; as shown on Map 1. The request to exchange the lands was made by the Hamilton-Wentworth Roman Catholic Separate School Board. This request requires a neighbourhood plan amendment before it can be processed by the Parks and Recreation Committee.

Appendix "1" contains the original report to the Planning and Development Committee dated January 25, 1989.

The public meeting was held on March 1, 1989 to discuss the requested land exchange which was endorsed by the residents. Mr. Daly, representing the Separate School Board, offered to notify the residents when the plans for the school are further along, and to set up a meeting to discuss the plans at that time, in conjunction with Alderman Ross.

One written submission was received from Dennis and Cleo Ripa of 34 Ottaviano Drive, supporting the land exchange.

PLANNING COMMENTS

From a planning point of view, the land exchange would be beneficial to the neighbourhood residents. It provides for a direct access to the proposed separate secondary school from Upper Paradise Road. This would reduce traffic associated with the secondary school on the interior streets of the neighbourhood.

ANALYSIS

The City would retain a large area for community park (18.00 acres) suitable for a recreational facility serving a wider area than the neighbourhood as well as providing an identifiable, connected neighbourhood plan (9.06 acres).

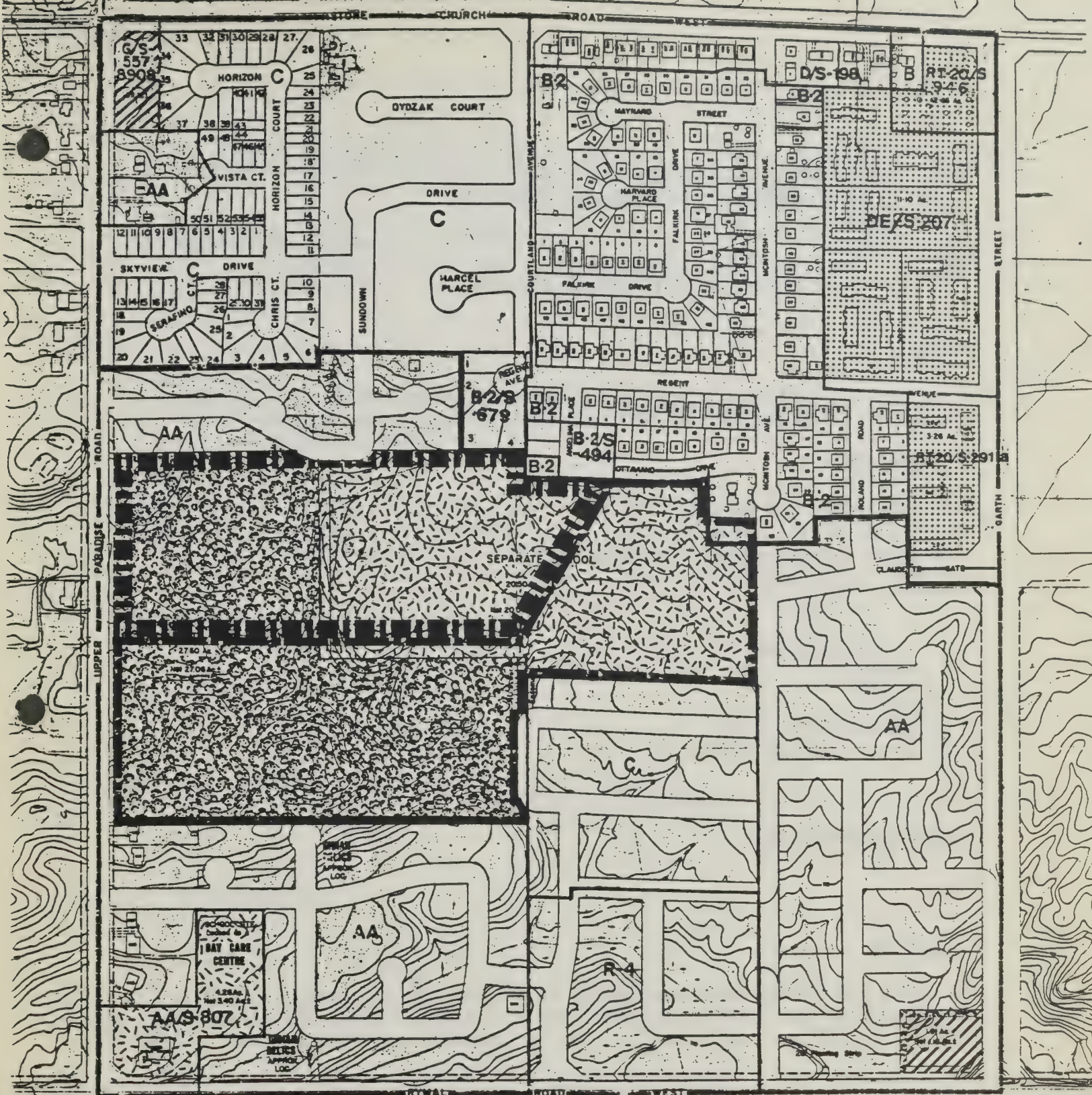
- The sites are designated in the neighbourhood plan and official plan for parks and recreational and school purposes. Both documents would require amendment to reflect the land exchange.
- The Official Plan Land Use designations on Schedule A will be amended in accordance with the land exchange in the next Official Plan housekeeping update.

CONCLUSION

The proposed land exchange would meet the City's planning objectives. Therefore, the requested land exchange should be granted.

GG/dkp

WP 0021P



| | | |
|--|--|---|
| <p>PROPOSED NEIGHBOURHOOD CHANGE</p> <p>CIVIC AND INSTITUTIONAL (PROPOSED SECONDARY SEPARATE SCHOOL SITE 19.80 Ac.)</p> <p>PARK AND RECREATIONAL (PROPOSED PARK SITE 27.60 Ac.)</p> | <p>LAND USE</p> <p>RESIDENTIAL</p> <ul style="list-style-type: none"> single & double attached housing low density apts. medium density apts. high density apts. commercial & apts. <p>COMMERCIAL</p> <p>INDUSTRIAL</p> <p>CIVIC & INSTITUTIONAL</p> <p>PARK & RECREATIONAL</p> <p>OPEN SPACE</p> <p>UTILITIES</p> <p>MULTI-USE</p> | <p>Neighbourhood Boundary</p> <p>Zoning Boundary</p> <p>Drainage Line</p> <p>Area North of Drainage Line Approve Planning Bd. & Council</p> <p>Area South of Drainage Line Approve Planning Comm. & Council</p> <p>CITY OF HAMILTON PLANNING DEPARTMENT</p> <p>FALKIRK EAST APPROVED PLAN</p> <p>44</p> |
|--|--|---|

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

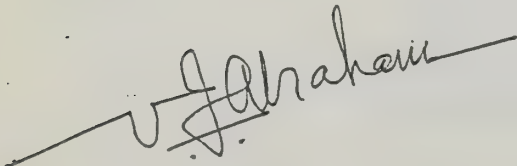
DATE: 1989 January 25
COMM FILE:
DEPT. FILE: P5-2-44

SUBJECT:

Proposed land exchange between the Hamilton-Wentworth Roman Catholic Separate School Board and the City of Hamilton; Falkirk East Neighbourhood.

RECOMMENDATION

That the owners and tenants of the area be invited to a public meeting of the Planning and Development Committee to discuss the proposed land exchange and consequent Neighbourhood Plan Amendment.


- V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The Parks and Recreation Committee at their meeting on January 24, 1989 requested that the Planning and Development Committee amend the Falkirk East Neighbourhood Plan (see Appendix 1 on the proposed exchange of lands).

CONCLUSION

The proposed change of neighbourhood plan should be the subject of a public meeting. The Planning and Development Committee should review the results of the public meeting before making a decision.

dg
GG/DG:dkp

WP 0021P

F O R A C T I O N

FROM: Culture and Recreation Department
Planning and Development Department

DATE January 18, 1989

FILE NO. P5-2-44

TO: Parks and Recreation Committee

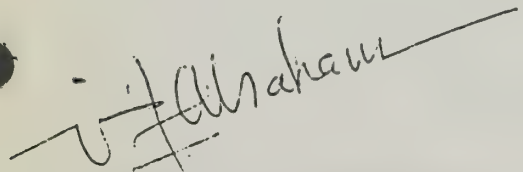
ATTENTION V.J. Abraham

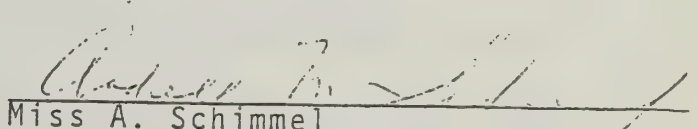
SUBJECT

Proposed land exchange between the Hamilton-Wentworth Roman Catholic Separate School Board and the City of Hamilton.
Falkirk East Neighbourhood.

RECOMMENDATION

That the Parks and Recreation Committee request the Planning and Development Committee to amend the Falkirk East Neighbourhood Plan, located in the area east of Upper Paradise Road, north of Rymal Road, and south of Stone Church Road West.


V. J. Abraham, M.C.I.P.
Director of Local Planning


Miss A. Schimmel
Director of Culture and Recreation

FINANCIAL IMPLICATIONS

None.

BACKGROUND

The Separate School Board have requested the initiation of a land exchange in accordance with Map 1.

The Separate School Board has assumed the lands designated for school purposes in the Falkirk East Neighbourhood as part of the redistribution of school lands between the School Boards.

- o The Board plan to build a Secondary School which is tentatively scheduled to open for the 1991-2 school year.
- o The Board are concerned about having access to a major road for their school particularly after the concern expressed by Gourley Neighbourhood residents when a separate Secondary School was proposed in the centre of that neighbourhood.
- o The Board have passed a resolution asking for an exchange of land with the City whose lands are designated for parks and recreational purposes.
- o The Parks Staff Committee including representatives from the Culture and Recreation Department, Real Estate Department, Public Works Department, Community Development Department, Planning and Development Department and Treasury, examined a number of alternatives to satisfy both the City and Board needs.

ANALYSIS

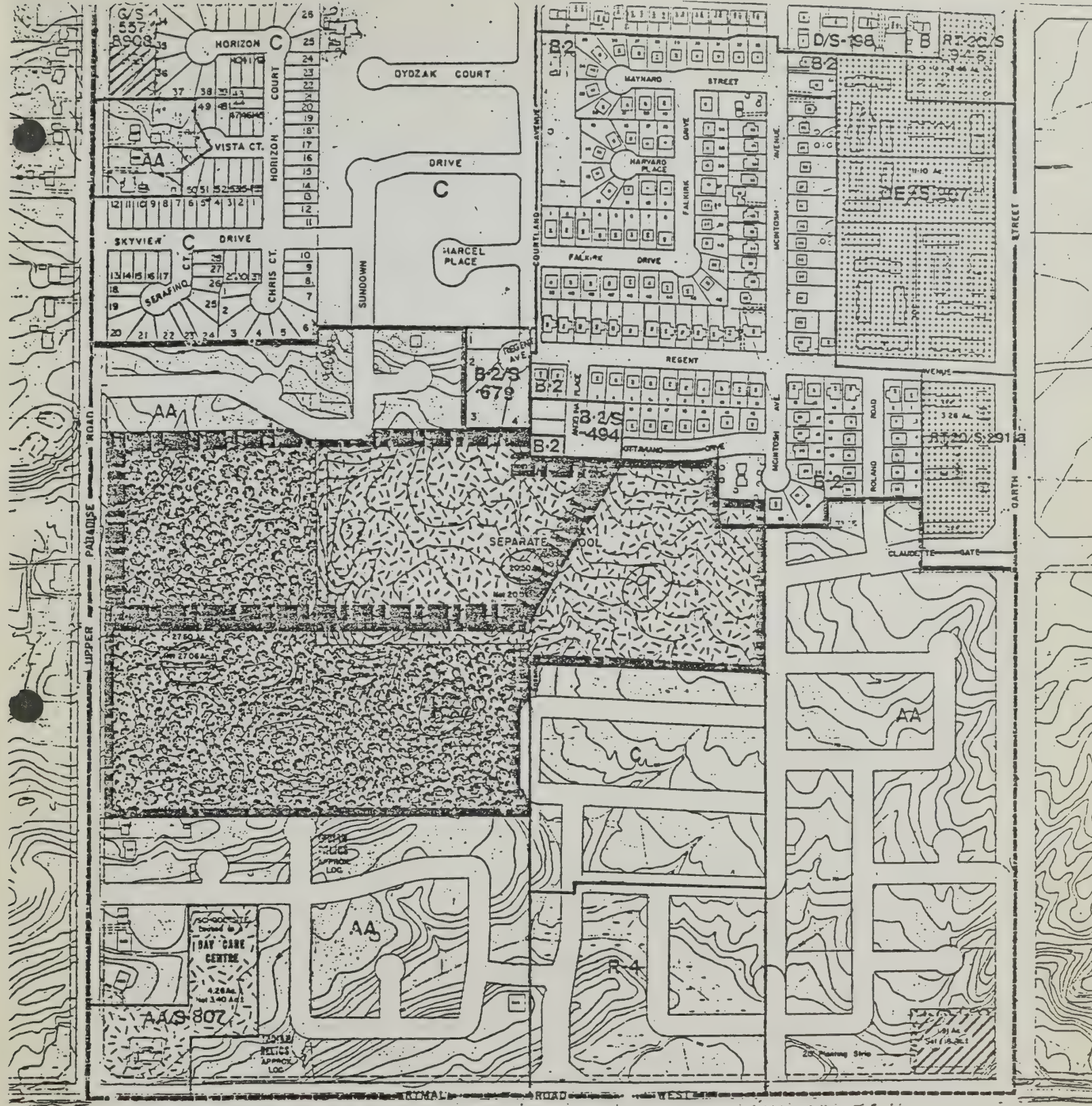
The favoured alternative allows the city to retain a large area for community park (18.0 acres) suitable for a recreational facility serving a wider area than the neighbourhood as well as providing an identifiable but connected neighbourhood park (9.06 acres).

- o Circulation of the proposal to departments produced no objection from the Traffic Department or Regional Engineering Department.
- o The sites are designated in the Neighbourhood Plan and Official Plan for parks and recreational and school purposes. Both documents need changing to reflect the proposal.
- o The lands are zoned "AA" Open Space which permits both park and recreational uses and schools.


CONCLUSION


The matter should be referred to the Planning and Development Committee to deal with the planning issues (the Neighbourhood Plan and Official Plan changes) prior to sending a recommendation forward to City Council on the exchange of lands.

G.G./D.G.:nd
W.P. DOC. 0055P









PROPOSED NEIGHBOURHOOD CHANGE








 **PROPOSED SECONDARY SEPARATE SCHOOL SITE 19.80 Ac!**




 **PROPOSED PARK SITE 27.60 Ac!**

LAND USE

RESIDENTIAL

-  single & double
-  attached housing
-  low density apts.
-  medium density apts.
-  high density apts.
-  commercial & apts.

-  **COMMERCIAL**
-  **INDUSTRIAL**
-  **CIVIC & INSTITUTIONAL**
-  **PARK & RECREATIONAL**
-  **OPEN SPACE**
-  **UTILITIES**
-  **MULTICENTRE**

-  Neighbourhood Boundary
-  Zoning Boundary
-  Drainage Line

Area North of Drainage Line
Approvals
Planning Bd. March Council March

Area South of Drainage Line
Approvals
Planning Comm. March Council March 12/83

**CITY OF HAMILTON
PLANNING DEPARTMENT**

**FALKIRK EAST
APPROVED PLAN**



CA4 ONHBLAOS
CSI P4
1989

Urban Municipal Librarian/
Central Library



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HAMILTON, ONTARIO
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THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1989 April 27

Mr. E. W. Kowalski, Director of Community Development
Mr. S. Ghanem, Director of Economic Development
Mr. G. S. Spencer, Engineering Commissioner
Attention: Mr. K. Brenner
Mr. M. Main, Director of Traffic Services
Mr. R. Karl, Traffic Department
Ms. Diana Pasko, Planning Department
Mr. E.G. Beres, Regional Assessment Commissioner
Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development Committee meetings held Wednesday, 1989 February 22, Wednesday, 1989 March 29 and Friday, 1989 April 7.

These minutes were approved by the Committee at its meeting held Wednesday, 1989 April 26.

Yours very truly,

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

SKR:dbm

Attch's.

c.c.'s. -

- Manager, C.M.H.C.
- Hamilton & District Chamber of Commerce
- Attention: Kathy Drewitt
- Mr. V. Mauceri, Manager, Research Dept., H.S.R.
- Mr. Paul E. Shewfelt, Board of Education
- Mr. T. Cupido, Superintendent of Plant,
Hamilton Separate School Board
- Mr. M. D. Crowley, Southam Communications Ltd.
- Mr. D. Miller, Canada Life, London, Ontario
- Mr. P. Hill, Durand Neighbourhood, c/o Ruth Morrison

Wednesday, 1989 February 22
2:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met to discuss Budgets.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman B. Hinkley
Alderman M. Kiss
Alderman D. Ross
Alderman D. Christopherson
Alderman W. McCulloch
Alderman H. Merling

Also present: Mr. L. Sage, Chief Administrative Officer
Mr. V. Abraham, Director of Local Planning
Mr. J. Thoms, Commissioner of Planning and Development
Mr. L. King, Building Department
Mr. P. Lampman, Building Department
Mr. B. Pooler, Building Department
Mr. J. Robinson, Community Development Department
Mr. G. Robis, Building Department
Mr. R. Karl, Traffic Department
Mr. R. Hammel, Treasury Department
Mr. J. Ross, C.A.O.'s Office
Mr. J. Roy, M.B.A. Student, Treasury Department
Mr. K. Beattie, Treasury Department
Mr. E. Kowalski, Director of Community Development
Ms. J. McNeilly, Community Development Department
Mr. B. McCammon, Regional Planning Department
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 February 16 respecting Review of Application Fees.

Review of
Application Fees.

The Director of Local Planning outlined this report and the Committee then **APPROVED** the following recommendation:

That the following application fees **BE INCREASED** for the processing of City Applications administered by the Planning and Development Department:

- (a) That the existing \$250. fee for zoning applications be increased to \$500. for 1989 and \$750. for 1990.
- (b) That the existing \$250. fee for an Official Plan Amendment be increased to \$500. for 1989 and \$750. for 1990.
- (c) That the existing \$125. fee for net site plan applications be increased to \$250. for 1989 and \$350. for 1990.
- (d) That the existing \$65. fee for an amendment to an approved site plan be increased to \$100. for 1989 and \$150. for 1990.
- (e) That the applicant be required to pay all costs associated with the referral of a zoning by-law and/or an Official Plan Amendment to the Ontario Municipal Board.
- (f) That the applicant be required to pay all costs for outside professional witnesses and legal services where the City of Hamilton finds it necessary to hire such persons in support of an application before the Ontario Municipal Board Hearing.
- (g) That the City Solicitor be directed to prepare a by-law to adopt the above fees, effective March 01, 1989 and 1990.

Planning Services
Work Programme
for 1989.

The Committee was in receipt of the City of Hamilton Planning Services Work Programme for 1989. The Director of Local Planning gave an overview on this document and the Committee then agreed to RECEIVE this document.

Proposed Budget -
Building Dept.

The Committee then deliberated on the Budgets under their purview. The Committee reviewed the submission of the Building Commissioner respecting his Department's Budget. Mr. L. King and Mr. P. Lampman outlined their Budget request.

Some discussion ensued on the processing of Building Permits and it was AGREED that the Building Department compile an Information Report for the members of the Committee respecting the processing of Building Permits.

Mr. King indicated that the package referred to on Page 18 of the Budget Report respecting Inspections for Loan Programmes under the Community Development Department can be deleted since the Provincial Government has not decided on the Programme process yet.

Some discussion ensued on one of the expansion packages regarding the New Second Level Lodging House By-law.

Mr. L. King showed overhead charts on statistics involving building permit value, permits issued, permit inspections, complaints, total number of inspections, property searches, zoning verifications, value of construction per person, budget, revenue, net budget, net budget expenditures, staffing, budget.

Some discussion ensued on the requirement of a comprehensive review of the functions of the Building Department to be undertaken and it was AGREED that this matter be placed on the next Agenda of the Committee for further discussion.

Mr. King indicated that the Account No. 0344-0191 - Training Courses will be reduced in relation to the packages deleted as mentioned previously.

The Committee AGREED that Account No. 0344-1001 - Salaries and Services would be reduced by deleting one Inspector and reducing the cost of stenographic services by \$10,000.

The Committee reviewed the package to carry out necessary inspections for backflow prevention. General discussion ensued on this matter and it was discussed that a fee could be charged for this inspection. It was agreed that this matter would be TABLED pending a staff report on the feasibility of charging for this service.

It was indicated that Account No. 0344-1071 - Office Equipment and Account No. 0344-1072 - Automotive Equipment would be reduced due to staff packages not being approved.

The Committee reviewed the estimated revenues for the Building Department and AGREED that they would increase the anticipated revenues from the Building Department to \$3.2 Million.

Proposed Budget -
Community Development
Department.

The Committee then reviewed the Budget Submission for the Department of Community Development. Mr. E. Kowalski, Director of Community Development, Ms. J. McNeilly and Mr. J. Robinson of his staff addressed the Committee on this matter. The Committee was in receipt of a letter of transmittal from the Director of Community Development dated 1989 February 17 respecting the Current Budget Estimates for 1989.

Alderman Hinkley noted that the Department of Community Development plans to hold Business Seminars for the benefit of all Business Improvement Areas in the City of Hamilton. He indicated that when these sessions are held that other business areas should be invited for information purposes.

Planning and Development Committee - 3 - Wednesday, 1989 February 22

The Committee then APPROVED the Budget Submission for the Department of Community Development.

The Committee APPROVED the Budget Submission for the Municipal Non-Profit (Hamilton) Housing Corporation.

The Committee also APPROVED the Budget Submissions for the following:

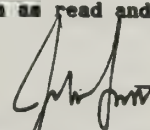
- (a) Hamilton Housing Company.
- (b) Committee of Adjustment.
- (c) Mayor's Award Programme.

The Committee then reviewed the submission of the Planning Department and Mr. J. Thoms, Commissioner of Planning and Development outlined the Budget Submission. Mr. V. Abraham and Mr. B. McCammon of the Planning Department were also in attendance to speak to the Budget.

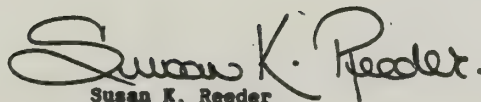
Discussion ensued on this matter and it was AGREED by the Committee that one additional position in the Expansion Packages be deleted and that that position be determined by the Commissioner of Planning and Development.

There being no further business, the meeting then adjourned.

Taken as read and approved.



ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT
COMMITTEE



Susan K. Reeder
Secretary
1989 February 22

Budget-Municipal
Non-Profit (Hamilton)
Housing Corporation.

- Hamilton Housing Co
- Comm. of Adjustment
- Mayor's Award
Programme.

Proposed Budget -
Planning and
Development
Department.

Adjournment.

Wednesday, 1989 March 29
1:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman D. Christopherson
Alderman M. Kiss
Alderman B. Hinkley
Alderman D. Ross
Alderman W. McCulloch

Regrets: Alderman H. Merling - Vacation

Also Present: Alderman T. Murray
Mr. V. Abraham, Director of Local Planning
Mr. J. Sakala, Planning Department
Mr. P. Lampman, Building Department
Mr. D. Godley, Planning Department
Mr. J. Schwarz, Regional Planning
Mr. G. Robis, Building Department
Mr. J. Thoms, Commissioner of Planning and Development
Mr. M. Watson, Real Estate Division
Mr. K. Brenner, Regional Engineering Department
Mr. R. Karl, Traffic Department
Mr. T. Gill, Traffic Department
Mr. J. Pavelka, Acting Chief Administrative Officer
Ms. N. Chapple, Planning Department
Mr. V. Matus, Planning Department
Mr. F. Angelici, Planning Department
Mr. J. Hindson, Manager of Information Systems
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meeting held Wednesday, 1989 March 15 and APPROVED these minutes.

Minutes - 1989
March 15th.

The Committee was in receipt of a report from the Building Commissioner dated 1989 March 22 respecting Demolition Permit Applications.

Demolition Permit
Applications.

The Committee APPROVED the following:

That the Building Commissioner BE AUTHORIZED to issue demolition permits for the following properties:

- (a) 1164 Garth Street
- (b) 1146 Garth Street
- (c) 173 Mud Street
- (d) 1138 Upper Wentworth Street
- (e) 30 Adair Avenue North

The Committee was in receipt of a report from the Chief Administrative Officer dated 1989 March 10 respecting Recommendations from the Task Force to Review the Mandate and Structure of the Hamilton Harbour Commissioners.

Recommendations -
Task Force to Review
the Mandate and
Structure of the
Hamilton Harbour
Commissioners.

Alderman Hinkley, Chairman of that Task Force spoke briefly on these recommendations.

The Committee then APPROVED the following:

- (a) That acknowledgement be given to the work of investigating the environmental concerns with respect to the harbour now being undertaken and examined by the Remedial Action Plan process.

- (b) That the Hamilton Harbour Commissioners be a part of any overall Co-ordinating Steering Committee established for the implementation process respecting the Remedial Action Plan.
- (c) Due to the difficulty of determining a general interpretation of the term "navigation and shipping", that the City of Hamilton and the Hamilton Harbour Commissioners meet in order to agree on a clarification of the term "navigation and shipping" for their own purposes. (See Recommendation (d)(i).)
- (d) (i) That a general interpretation of the phrase "navigation and shipping" not be accepted, but that each interpretation of this phrase rest with the circumstances surrounding the particular case or situation at hand; and
- (ii) That, notwithstanding Section (i) above, that the City of Hamilton and the Hamilton Harbour Commissioners meet in order to agree on a clarification of the term "navigation and shipping" as recommended in the Report outlined in Recommendation (c).
- (e) (i) That the definition of the term "waterfront property" set out in the judgement of Mr. Justice Griffiths, as affirmed by the Ontario Court of Appeal, in Hamilton Harbour Commissioners v. The Corporation of The City of Hamilton et al be accepted as the legal definition of the term "waterfront property" for the purposes of The Hamilton Harbour Commissioners' Act.
- (ii) That, therefore, the term "waterfront property" be defined to mean:
- "that real property abutting or fronting on the body of water that constitutes Hamilton harbour".
- (f) (i) That, the principles set out in the judgement of Mr. Justice Griffiths, as affirmed and augmented by the Ontario Court of Appeal in Hamilton Harbour Commissioners v. The Corporation of The City of Hamilton et al be accepted as the law applicable to the issue of jurisdiction in Hamilton harbour.
- (ii) That, accordingly it be recognized that,
- (1) the City may validly pass a zoning by-law affecting land use within the Harbour so long as the by-law does not explicitly attempt to prohibit or regulate the use of land for purposes related to shipping and navigation or the use of land owned by the Federal Crown;
- (2) the Commissioners may validly pass by-laws to regulate the use and development of land within the harbour for purposes related to shipping and navigation; and,
- (3) if a direct conflict arises between validly-enacted City zoning by-law and validly-enacted Commissioners by-law with respect to the use of a parcel of land within the harbour; the operation of the City zoning by-law is suspended during the operation of the Commissioners by-law.
- (g) (i) That the definition of the term "harbour headline" set out in the judgement of Mr. Justice Griffiths, as affirmed by the Ontario Court of Appeal in Hamilton Harbour Commissioners v. The Corporation of the City of Hamilton et al be accepted as the property legal definition of the term "harbour headline" for the purposes of management and operation of navigation and shipping in Hamilton Harbour.

- (ii) That, therefore, the term "harbour headline" be defined as "a line established out from the shoreline beyond which breakwaters, wharfs, piers and other structures may not be built".
- (iii) That any by-law passed by the Hamilton Harbour Commissioners to establish or amend the "harbour headline" for Hamilton Harbour comply, like any other of their by-laws, with Subsection 20 (2) of The Hamilton Harbour Commissioners' Act which reads:
 - "No by-law shall have force or effect until confirmed by the Governor in Council and published in the Canada Gazette, and every such by-law shall, at least ten days before it is submitted to the Governor in Council, be served upon the City Clerk of Hamilton".
- (h) That City Council request the Hamilton-Wentworth Regional Police Commissioner to direct the Marine Unit of the Regional Police Department to be responsible for the testing, posting of warnings, and public announcements respecting the ice conditions in Hamilton Harbour and Cootes Paradise.

NOTE: For the information of City Council, the above recommendations are contained in the Report of the Task Force to Review the Mandate and Structure of the Hamilton Harbour Commissioners which was received by City Council at its meeting on 1989 February 28, and referred to the appropriate Standing Committees for review and recommendations back to City Council.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 15 respecting Draft Plan of Subdivision "Wentwal Estates".

Draft Plan of
Subdivision -
"Wentwal Estates".

The Committee APPROVED the following:

- (a) That APPROVAL be given to Subdivision Application 88-26, L. Serafini, owner, to establish a draft plan of subdivision, west of Upper Wentworth Street, north of Rymal Road, subject to the following conditions:
 - (i) That this approval apply to the plan prepared by MacKay, MacKay and Peters Ltd., dated 1988 June 16, showing 35 lots for street townhouses, one block for group townhouses and one block for commercial uses.
 - (ii) That the street be dedicated as public highway on the final plan.
 - (iii) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iv) That the final plan conform with the zoning by-law approved under The Planning Act.
 - (v) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (vii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(viii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That the subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-26), L. Serafini, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the neighbourhood plan be amended accordingly.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 22 respecting Site Plan Control Application DA-88-60, for property at 64 Ewen Road.

The applicant and agent for this property were in attendance at this meeting.

It was moved by Alderman Kiss, seconded by Alderman Hinkley and carried that this matter BE TABLED in order that a public meeting be held on this matter.

Secretary's Note: This matter was re-considered later in the meeting.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 21 respecting Site Plan Control Application DA-88-99, for property at 1645 Upper James Street.

The Committee then APPROVED the above-noted Site Plan Control Application as follows:

That approval be given to Site Plan Control Application DA-88-89 by Chrysler Canada Limited, owners of lands known as 1645 Upper James for an automobile dealership subject to the following:

- (a) Modification to the Plans in relation to notes, dimensions, an loading spaces, as marked in red on the Plans;
- (b) Dedication to the Regional Municipality of Hamilton-Wentworth of approximately 3.048m (10 feet) of land, along Upper James Street, for the purpose of a road widening;
- (c) Dedication to the City of Hamilton of the appropriate lands and the provision of the necessary agreements to establish the pedestrian walkway along the southerly property line, and to provide all costs associated with the proposed upgrading of the walkway to be the responsibility of the owner/applicant; and
- (d) Submission of a Revised Landscape Plan to the satisfaction of the Director of Local Planning, Planning and Development Department.

The Committee was in receipt of a report from the Secretary of the Planning and Development Committee dated 1989 March 9 respecting Site Plan Control Application DA-88-126, for a pylon sign at 568 James Street North. The memorandum to the Committee indicated that the applicant for this matter had requested an opportunity to speak to the Committee requesting approval. The Committee was advised by the Secretary that at its meeting on Wednesday, 1989 March 1 the Committee agreed to DENY this application.

Site Plan Control
Application DA-88-60
- 64 Ewen Road.

Site Plan Control
Application DA-88-99
- 1645 Upper James
Street.

Site Plan Control
Application DA-88-
126 - 568 James
Street North.

The Committee was advised that Alderman Agro, had requested on behalf of the applicant that this matter be tabled and the Committee agreed to TABLE this matter. It was noted that this matter has already been resolved by a denial recommendation agreed to by the Committee.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 21 respecting Housing Intensification Studies - Neighbourhood Surveys.

Housing
Intensification
Studies -
Neighbourhood
Surveys.

Alderman Hinkley questioned the type of questionnaire that would be used and it was agreed that this matter BE TABLED in order that the questionnaire which will be used for this survey can be attached to the report for perusal by the Committee.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 22 respecting Terms of Reference - Central Area Plan Implementation Committee.

Terms of Reference -
Central Area Plan
Implementation
Committee.

The Committee APPROVED the following:

That the following updated and revised Central Area Plan Implementation Committee Terms of Reference and the following List of Members be accepted and approved.

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

DRAFT TERMS OF REFERENCE

The mandate of the Committee is to advise the Planning and Development Committee on planning matters relating to the Central Area, including:

- The Central Area Plan, its update and revision;
- Strategies for implementing the policies of the Central Area Plan;
- Acting as a sounding board for development proposals;
- Co-ordinating initiatives in the Central Area;
- Monitoring Central Area matters;
- Supplying representatives to other committees to give a Central Area point of view.

Administrative

- The committee will be made up of representatives of organizations and individuals who together form a knowledgeable and balanced group.
- Changes in membership will be submitted by CAPIC to the Planning and Development Committee for approval.
- A Chairperson and Vice-Chairperson will be elected by CAPIC, one of whom will be a member of City Council.
- The Planning and Development Department will be responsible for co-ordinating the Committee.

Background

- The Central Area is identified as the area bounded by Queen Street, Victoria Avenue, the Escarpment and the Bay.
- During 1979 and 1980, the Central Area Plan Advisory Committee prepared the Central Area Plan.
- In 1981, City Council adopted the plan.
- In 1983, City Council identified the need for a policy-oriented committee to implement the plan.
- The Central Area Plan Implementation Committee (CAPIC) was formed by Council in February, 1984, to concentrate on policy issues and their implementation.
- Since 1984, CAPIC has undertaken a major review of the Central Area Plan.
- Additionally, CAPIC has provided advice to the Planning and Development Committee on an ongoing basis.
- In 1988, City Council approved the revised Central Area Plan and it is in the process of being incorporated into the Official Plan.

MEMBERS - CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

Alderman David Christopherson (Chairperson) - Planning and Development Committee

Reverend Charles Forsyth (Vice-Chairperson) - First Place

Mark Boyak - Hamilton Real Estate Board

David Cohen - Corktown-Stinson Neighbourhood Association

Gloria DeSantis - Social Planning and Research Council

Russell Elman - Durand Neighbourhood

Gabriel Etele - Downtown Business Improvement Area

John Eyles - McMaster University

Ozzie Ferguson - United Senior Citizens

Arthur Lomax - Hamilton Automobile Club

Kay Nolan - Hamilton-Wentworth Roman Catholic School Board

Bruce Rankin - Hamilton Society of Architects

Gil Simmons - North End Neighbourhood

Trustee Anne Stewart - City of Hamilton

Ken Stone - Hamilton and District Labour Council

Marvin Wasserman - King Street Business Association

Start time for
Committee meetings.

Alderman Hinkley questioned the start time of the meetings at 1:00 o'clock p.m. The Committee then discussed this matter and it was agreed that the meeting time BE AMENDED for a start time at 1:30 o'clock p.m.

Zoning Applications.

The Committee then moved to the City Hall Council Chambers to hear Zoning Applications.

ZA-88-122 -south
of Rymal Road West
and west of
Christie Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 16 respecting Zoning Application 88-122, for property in the area south of Rymal Road West and west of Christie Street.

The Committee APPROVED the following:

- (a) That APPROVAL be given to Official Plan Amendment No. 73 to redesignate the subject lands from "Major Institutional" and "Open Space" to "Residential", and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That APPROVAL be given to Zoning Application 88-122, Wardpark Developments Inc., owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected residential, etc.) District to permit a subdivision for single-family detached dwellings, for property located in the area south of Rymal Road West and west of Christie Street, as shown on the attached map marked APPENDIX "A", on the following basis:
 - (i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9E and W-17E for presentation to City Council;
 - (iii) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 73 by the Regional Municipality of Hamilton-Wentworth.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located in the area south of Rymal Road West and west of Christie Street.

The effect of the By-law is to permit the subdivision of the subject lands into building lots for single-family detached dwellings.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 21 respecting Zoning Application 88-132, for property at 294-298 Lake Avenue North.

ZA 88-132 -
294-298 Lake
Avenue North.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 88-132, B. and K. Willgren, owners, for a change in zoning from "JJ" (Restricted Light Industrial) District to the "KK" (Restricted Heavy Industrial) District, for the southerly part of property known as 294-298 Lake Avenue North, as shown on the attached map as APPENDIX "B", on the following basis:

- (a) That the subject lands be rezoned from "JJ" (Restricted Light Industrial) District to "KK" (Restricted Heavy Industrial) District;
- (b) That the "KK" (Restricted Heavy Industrial) District regulations as contained in Section 17A of Zoning By-law No. 6593 be amended to include the following variance as a special provision:
 - (i) That notwithstanding Section 17A(1)(3) and Section 16A(3)(c) a rear yard of a width of at least 7.6 metres (24.9 feet) shall be provided and maintained;
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1118, and that the subject lands on Zoning District Map E-113 be notated S-1118;

- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-113 for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from the "JJ" (Restricted Light Industrial) District to the "KK" (Restricted Heavy Industrial) District, for the southerly part of property known as 294-298 Lake Avenue North.

The effect of the By-law is to establish uniform zoning on the subject property, for a warehouse and machine shop use.

In addition, the By-law requires that a minimum 7.6 m (24.9 ft.) wide rear yard be provided, whereas no rear yard is normally required.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 21 respecting Zoning Application 88-110, for property at the rear of 1880 Main Street West.

The Committee viewed a new video method of presentation on this application.

The Committee was in receipt of a letter of submission from Mr. Springstead, 1928 Main Street West, Apartment 217, in opposition to this application.

The Committee then APPROVED the following:

That APPROVAL be given to Zoning Application 88-110, Hamilton and District Senior Citizens' Home, "Rambynas" Incorporated, owner, for a modification to the established "A" (Conservation, Open Space, Park and Recreation) District, for property located at the rear of 1880 Main Street West, as shown on the attached map marked as APPENDIX "C", on the following basis:

- (a) That the "A" (Conservation, Open Space, Park and Recreation) District regulations as contained in Section 7 of Zoning By-law No. 6593, as amended by By-law 82-148, applicable to the lands described as Block "1", be further modified to include the following variances:
 - (i) Notwithstanding Section 7.(1) of By-law No. 6593, a parking lot shall be permitted on the lands described as Block "1" in conjunction with the existing Home for Elderly Persons located on lands at 1880 Main Street West described as Block "2";
 - (ii) Notwithstanding Section 18A(24)(b)(i) of Zoning By-law No. 6593, the access driveway shall have a width of not less than 3.0m;
 - (iii) That Sections 18A(11) & (12) shall not apply;
- (b) That the amending By-law be added to section 19B of Zoning By-law No. 6593 as Schedule S-793a, and that the subject lands on Zoning District Map W-51 be notated S-793a;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-51 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning area;

ZA 88-110 -
rear of 1880 Main
Street West.

- (e) That Schedule "B" to By-law No. 79-275, as amended by By-law No. 87-223, respecting Site Plan Control be amended by adding the subject lands thereto.
- (f) That the amending by-law not be passed by City Council until the applicant has applied for and received Site Plan approval. In addition, the applicant is required to provide a survey plan showing the exact limits of the property.

NOTE: The purpose of the By-law is to provide for a modification to the "A" (Conservation, Open Space, Park and Recreation) District for property located at the rear of 1880 Main Street West.

The effect of the By-law is to permit a parking lot on the lands described as Block "1" in conjunction with the existing Home for Elderly Persons located on the lands described as Block "2". In addition, the By-law provides for the following by-law variances:

- (a) to permit an access driveway having a minimum width of 3.0m, whereas 5.5m is required (Section 18A(24)(b)(i));
- (b) to exempt the development from providing a 1.4m landscaped planting strip, and a 1.2m high to 2.0m high visual barrier along the boundary of the parking lot adjoining the residential districts (Sections 18A(11) and (12)).

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 21 respecting City Initiative 88-L, for property at 2825 King Street East.

C.I. 88-L
- 2825 King
Street East.

Report of the circularization was given as follows:

91 notices sent 7 in favour 9 opposed

Mr. Pearson, 23 Owen Place appeared before the Committee in opposition to an entrance onto Owen Place. He also questioned the height of the building being allowed. The Committee was also in receipt of a letter from Mr. Pearson dated 1989 March 13.

The Committee was also in receipt of a letter of submission from Mr. and Mrs. Rowett, 18 Owen Place in support of the application.

The Committee then agreed that the application **BE APPROVED** with a modification in order that an entrance **NOT BE ALLOWED** onto Owen Place and **APPROVED** the following recommendation:

That **APPROVAL** be given to City Initiative 88-L, Regional Municipality of Hamilton-Wentworth, to delete the existing Site Plan for property located at 2825 King Street East, as shown on the attached map marked as **APPENDIX "D"**, on the following basis:

- (a) That Sections 2, 3 and 4 of By-law No. 66-323, to amend By-law No. 6593, be deleted therefrom;
- (b) That the "E-2" (Multiple Dwellings) District regulations as contained in Section 11B of Zoning By-law No. 6593, as amended by By-law No. 66-323, applicable to the subject lands be further amended to include the following special regulation:
 - (i) That no vehicular access to or egress from Owen Place shall be permitted.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as schedule S-34a, and that the subject lands on Zoning District Map E-106 be notated S-34a;

- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law 66-323, and Zoning District Map E-106 for presentation to City Council; and,
- (e) That the proposed By-law is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to amend By-law No. 66-323 respecting property located at 2825 King Street East.

The effect of this By-law is to delete the existing Site Plan, due to a future road widening along the subject property. In addition, the By-law prohibits vehicular access to or egress from Owen Place. It should be noted, that any future development on the remaining subject lands will be subject to Site Plan Control, and the "E-2" (Multiple Dwellings) District regulations.

ZA 88-28 -
1002 West 5th
Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 17 respecting Zoning Application 88-28, for property at 1002 West 5th Street.

Alderman Ross asked that this matter BE TABLED to the next meeting of the Committee (1989 April 12) since the applicant was not in attendance and he felt it was only fair to hear the applicant's view on why this matter should be approved in view of the staff recommendation to deny the application. It was agreed that re-circularization does not need to be done on this matter but that the applicants should be advised of this re-hearing at the April 12th meeting.

ZA 89-03 -
11 Cannon Street
West (formerly
13 Cannon Street
West)

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 22 respecting Zoning Application 89-03, for property at 13 Cannon Street West. The Committee was advised that this municipal number has now been changed to number 11.

The Committee then APPROVED the following:

That APPROVAL be given to Zoning Application 89-03, John Cvetkovic, owner, for a change in zoning from "L-c" (Planned Development-Commercial) District to "H" (Community Shopping and Commercial, etc.) District for the property located at 11 Cannon Street West (formerly 13 Cannon Street West), as shown on the attached map marked as APPENDIX "E", on the following basis:

- (a) That the subject lands be rezoned from "L-c" (Planned Development-Commercial) District to "H" (Community Shopping and Commercial, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-4 for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "L-c" (Planned Development-Commercial) District to "H" (Community Shopping and Commercial, etc.) District, for the property located at 11 Cannon Street West (formerly 13 Cannon Street West).

The effect of the By-law is to permit a restaurant on the ground floor and three (3) residential dwelling units within the existing building.

Amended ZA 89-01 -
rear of 1565 Upper
James Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 22 respecting Amended Zoning Application 89-01, for property at the rear of 1565 Upper James Street.

The Committee APPROVED the following:

That APPROVAL be given to Amended Zoning Application 89-01, 673833 Ontario Limited (F. Tchamitchi), owner, requesting changes in zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District (Block "1") and "HH" (Restricted Community Shopping and Commercial, etc.) District (Block "2"), and from the "AA" (Agricultural) District, modified to the "HH" (Restricted Community Shopping and Commercial, etc.) District (Block "3") to permit development for single-family detached dwellings on lands shown as Block "1" and commercial development for lands shown as Blocks "2" and "3", located at the rear of 1565 Upper James Street, as shown on the attached map marked as APPENDIX "F", on the following basis:

- (a) That the lands shown as Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the lands shown as Block "2" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District;
- (c) That the lands shown as Block "3" be rezoned from "AA" (Agricultural) District, modified to "HH" (Restricted Community Shopping and Commercial, etc.) District;
- (d) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands shown as Blocks "2" and "3", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 18A(12)(c), a visual barrier not less than 1.8m and not greater than 2.0m in height contained within a 9.1m wide landscaped strip shall be provided and maintained along the easterly lot line of the commercial zoning district; and,
 - (ii) That no access shall be permitted on the easterly lot line of the commercial zoning district.
- (e) That the amending By-law be added to section 19B of Zoning By-law No. 6593 as Schedule S-1119, and that the subject lands on Zoning District Map E-9D be notated S-1119;
- (f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D;
- (g) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (h) That the approved Ryckmans Neighbourhood Plan be amended by redesignating the easterly portion of Block "2" from "Attached Housing" to "Commercial".

NOTE: The purpose of this By-law is to provide for changes in zoning for lands located at the rear of 1565 Upper James Street, on the following basis:

- (a) Block "1" - From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) Block "2" - From "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District; and,

- (c) Block "3" - From "AA" (Agricultural) District, modified to "HH" (Restricted Community Shopping and Commercial, etc.) District.

The effect of the By-law is to permit development for single-family detached dwellings on Block "1", and retail-commercial development on Blocks "2" and "3".

In addition, the By-law provides for the following additional regulations:

- (a) to require a visual barrier not less than 1.8m and not greater than 2.0m in height contained in a 9.1 m landscaped strip to be provided and maintained along the easterly lot line of the commercial development, whereas no landscaped provisions are required; and,
- (b) to prohibit access on the easterly side of the commercial development.

ZA 89-05 -
10 Herkimer Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 21 respecting Zoning Application 89-05, for property at 10 Herkimer Street.

Report of the circularization was given as follows:

| | | |
|------------------|--------------|------------|
| 864 notices sent | 69 in favour | 29 opposed |
|------------------|--------------|------------|

The Committee was also in receipt of letters of submission from the following:

- (a) Mr. H. T. Brown, 34 Daffodil Crescent, Ancaster
(b) Mr. J. Grant and Mr. J. White, 250 James Street South
(c) Ms. Mary Lou Tanner, 201-45 Charlton Avenue West
(d) Mr. J. P. Van Ryn, 370 Main Street East
(e) Mr. & Mrs. Steller, Applicants.
(f) The Director of Placement Coordination Service of Hamilton-Wentworth
(g) The Director of the Seniors Activation Maintenance Program of Hamilton Inc.
(h) Mr. D. R. Walker, 62 Enmore Drive, Ancaster
(i) Area Director, The Canadian Red Cross Society
(j) Pharmacist - Durand Seniors Residence
(k) Mrs. Mills, 155 Park Street South
(l) Director of Volunteer Services, Amity Goodwill Industries
(m) Mrs. Lois MacKenzie, 2114 Agincourt Crescent, Burlington
(n) Mrs. Barbara duBois, 13 Herkimer Street
(o) Mrs. Groves, 40 Lake Avenue Drive, Stoney Creek
(p) Dr. Magda, 8 Neyer Street
(q) Peter L. Hill, President, Durand Neighbourhood Association Inc.

The Committee also heard from Mr. Schriver, 192 Bold Street who spoke that he was not specifically opposed to the application but was concerned at inadequate parking that exists now and what this application, if approved, would do to the parking situation. He also spoke at the situation of over intensification and again questioned this trend.

Mr. Hartley, representing the Durand Neighbourhood Association spoke to the Committee and asked for tabling of this application.

Mr. Steller, applicant, spoke to the Committee and asked for this matter to be tabled in order that they could discuss their application with the Durand Neighbourhood Association and look for other options which would be more acceptable to the Neighbourhood.

The Committee then agreed to TABLE this application.

It was agreed that if the new proposal differs significantly from the original application that a new application would be necessary.

It was moved by Alderman Christopherson, seconded by Alderman Ross and carried to RECONSIDER the Committee decision on Item No. 5 of the Agenda respecting Site Plan Control Application DA-88-60, for lands at 64 Ewen Road.

Alderman Christopherson spoke to the Committee on this matter and asked that the tabling motion be repealed and that the application be approved in order that the applicants not be delayed in their project.

General discussion then ensued on this matter and Alderman Kiss spoke in support of the previous tabling motion to allow her to hold a public meeting.

The Committee then agreed to APPROVE the Site Plan Control Application for property at 64 Ewen Road as follows:

That approval be given to Site Plan Control Application DA-88-60 by Mr. Juergen Lebrecht, c/o Aries Construction, owners of lands known as 64 Ewen Road for a warehouse and construction complex, subject to the following:

- (a) Modification to the Plan in relation to notes, dimensions and landscaping as marked in red on the Plan.
- (b) Submission of a Revised Grading Plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.
- (c) Approval by the Committee of Adjustment for the following variances:
 - (i) To permit a reduced lot width of 20.117m (65.61 feet) minimum instead of the required 30.0m (93.42 feet) minimum.
 - (ii) To permit a northerly side yard of 1.0m (3.28 feet) minimum instead of the required 2.01m (6.56 feet) minimum.
 - (iii) To permit the 6.0m (20.0 feet) access driveway to have a zero clearance from the common boundary with the residential district instead of the required 3.0m minimum.
 - (iv) To delete the required 7.5m minimum rear landscape area where the lot abuts the "A" Zoning District.
 - (v) To permit the loading space in the required side yard, 1.5m minimum from the adjacent residential district instead of the required 7.5m minimum requirement.
 - (vi) To provide 6 parking spaces on the lot instead of the required 8 parking spaces based upon ratio of office area to warehouse area.

Recorded vote: Yeas - Smith, Christopherson, Ross, McCulloch, Lombardo.


Nays - Hinkley, Kiss.

Reconsideration -
Item 5 on the
Agenda - Site Plan
Control Application
DA 88-60 - 64 Ewen
Road.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved.



Susan K. Reeder
Secretary
1989 March 29



ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Friday, 1989 April 7
9:00 o'clock p.m.
Room 233, City Hall

A Special Meeting of the Planning and Development Committee was held.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Alderman M. Kiss
Alderman D. Ross
Alderman D. Christopherson
Alderman W. McCulloch

Regrets: Mayor Robert M. Morrow - Civic Business
Alderman B. Hinkley - Vacation
Alderman H. Merling - Vacation

Also present: Alderman V. Agro
Alderman J. Gallagher
Mr. D. Vyce, Director of Property
Mr. E. Matthews, City Treasurer
Mr. D. Powers, City Solicitor's Office
Mr. J. Prypasniak, Weir & Foulds
Mr. L. Landa, Lakeview
Mr. J. McJannet, McJannet, Weinberg, Rich,
Barristers & Solicitors, Lakeview
Mr. D. Irwin, Lakeview
Mr. W. David McCordic, McMillan, Binch,
Barristers & Solicitors, GGS Co. Ltd.
Ms. S. Allen, McMillan, Binch, Barristers &
Solicitors, GGS Co. Ltd.
Mrs. Susan K. Reeder, Secretary

The Committee agreed to move **IN CAMERA** to receive documents of a Private and Confidential nature.

**Meeting moved
IN CAMERA.**

The Committee discussed this matter at great length and then moved **OUT OF CAMERA** into regular session and **APPROVED** the following recommendation:

**Regular
Session.**

- (a) That an Agreement incorporating the provisions set out in a Draft Agreement annexed hereto and marked **APPENDIX "A"** entitled Assignment of Ground Lease between Lakeview Development Ltd. as "Assignor", GGS Hotel Holdings Canada Inc., as "Assignee" and The Corporation of the City of Hamilton as "Lessor" with respect to an assignment of the Ground Lease between the City and Lakeview affecting the "Hotel lands" with Phase 3 of L. D. Jackson Square BE **APPROVED** and that the Mayor and City Clerk be authorized to execute this Agreement.
- (i) That the City of Hamilton **ENTER INTO** an Indemnity Agreement incorporating the provisions set out in a Draft Agreement annexed hereto and marked **APPENDIX "B"** with GGS Co. Ltd., which provides in effect that GGS Co. Ltd., the parent Company of GGS Hotel Holdings Canada Inc. will perform the obligations of GGS Hotel Holdings Canada Inc. under the Ground Lease in the event of a default by GGS Hotel Holdings Canada Inc. and that it will save the City harmless from any loss, costs, claims, demands or damages arising out of any failure by GGS Hotel Holdings Canada Inc. to perform the terms and conditions of the Ground Lease, and that the Mayor and City Clerk be authorized to execute this Agreement.
- (ii) That the City of Hamilton **RETURN** a Letter of Credit it is holding in respect of a prepayment of rent received by Lakeview pursuant to a Sublease registered on 1984 December 31, after a good and valid surrender of the Sublease is registered on title to the Leased Premises.

- (b) That The Corporation of the City of Hamilton ENTER INTO a Lease Amending Agreement incorporating the provisions set out in a Draft Agreement annexed hereto and marked APPENDIX "C" with Lakeview Development Limited, First Phase Civic Square Limited, Second Phase Civic Square Limited, Fourth Phase Civic Square Limited, GGS Hotel Holdings Canada Inc. and King Street Hamilton Hotel Limited Partnership which will provide that Lakeview pay to the City the sum of \$200,000. in exchange for an absolute release by the City in favour of Lakeview's obligations to enter into a Sublease with the City of the Hotel Parking as contemplated by the Ground Lease, the Interface Agreement and the Development Agreement and that the Mayor and City Clerk be authorized to execute this Agreement.
- (c) That The Corporation of the City of Hamilton ENTER INTO the Pedestrian Bridge Agreement incorporating the provisions set out in a Draft Agreement annexed hereto and marked APPENDIX "D" with Lakeview Development Ltd., and Lakeview Development Ltd. and King Street Hamilton Hotel Limited Partnership for the purpose of granting an easement to the City in the Schedule "A" Leasehold land to construct, maintain and operate a climate controlled pedestrian bridge over King Street West, Hamilton, to connect the Plaza Level of the Hotel, adjacent L.D. Jackson Square facilities and premises of the City's Convention Centre and the Mayor and City Clerk be authorized to execute this Agreement. The Agreement also provides for the hours of operation and the division of annual maintenance costs (94% City - 6% Lakeview). Furthermore, the Pedestrian Bridge Agreement authorizes an Agreement under which GGS Hotel Holdings Canada Inc. shall assume Lakeview's obligations.
- (d) That The Corporation of the City of Hamilton ENTER INTO the Truck Tunnel Easement Agreement incorporating the provisions set out in a Draft Agreement annexed hereto and marked APPENDIX "E" with Lakeview Development Ltd., and Lakeview Development Ltd. and King Street Hamilton Hotel Limited Partnership for the purpose of the City granting to Lakeview and King Street Hamilton Hotel Ltd. an easement to enter onto and use the new truck route beneath Copps Coliseum as a right-of-way for vehicular access only in a one way direction for the purpose of providing access to the loading docks for Lakeview and its suppliers. The easement will be enjoyed and used during the term of the Ground Lease (less one (1) day) (1983 May 3 to 2069 October 30). It is further recommended that the Mayor and City Clerk be authorized to execute this Agreement. The Truck Tunnel Easement Agreement also authorizes an Agreement under which GGS Hotel Holdings Canada Inc. shall assume Lakeview's obligations.

NOTE: The two Agreements referred to in Sections (c) and (d) above shall be entered into with GGS Hotel Holdings Canada Inc. if these agreements are executed after the King Street Hotel Limited Partnership Sub-lease is terminated and after a survey required under the Bridge Agreement is completed.

- (e) That The Corporation of the City of Hamilton ENTER INTO a Hotel Management Amending Agreement incorporating the provisions set out in a Draft Agreement annexed hereto and marked APPENDIX "F" with Lakeview Development Ltd., GGS Hotel Holdings Canada Inc., and King Street Hamilton Hotel Limited Partnership which provides for a change in the hotel management responsibility from Lakeview as Hotelier to Lakeview in its capacity as manager for and on behalf of GGS Hotel Holdings Canada Inc., the prospective owners of the Hotel and that the Mayor and City Clerk be authorized to execute this Agreement.
- (f) That The Corporation of the City of Hamilton ENTER INTO an Assignment of Interface Agreement incorporating the provisions set out in a Draft Agreement annexed hereto and marked APPENDIX "G" with Lakeview Development Ltd., GGS Hotel Holdings Canada Inc., Second Phase Civic Square Limited and Fourth Phase Civic Square Limited which provides for an assignment of the existing Interface Agreement with Lakeview to GGS and a covenant by GGS to fulfil all the terms, covenants and conditions of the Interface Agreement and that the Mayor and City Clerk be authorized to execute this Agreement.
- (g) That The Corporation of the City of Hamilton ENTER INTO a Release Agreement incorporating the provisions set out in a Draft Agreement annexed hereto and marked APPENDIX "H" with Citibank Canada and Lakeview Developments Ltd. which provides for the release of all rights and obligations of the Bank effective 1985 August 23 from the Citibank Agreement since the Bank has been repaid in full for any monies advanced by the Bank to Lakeview and there are not outstanding obligations to the City by the Bank under the Citibank Agreement and that the Mayor and City Clerk be authorized to execute this Agreement.
- (h) That the Certificate of Final Completion incorporating the provisions set out in a Draft Certificate annexed hereto and marked APPENDIX "I" BE ISSUED by The Corporation of the City of Hamilton to GGS Hotel Holdings Canada Inc. and Lakeview Development Ltd. recognizing that the Hotel Improvements have been completed in conformity with the Final Working Drawings and specifications and the Developer has installed the furnishings, fixtures and equipment and has otherwise complied with the opening requirements as set out in Schedule "K" of the Development Agreement.
- (i) That Mr. D. W. Vyce, Co-ordinator of the Lloyd D. Jackson Square as Chairman of the Review Authority and Alderman W. M. McCulloch, as a Member of the Review Authority be authorized to execute the Certificate of Completion on behalf of the City.
- (i) That the Corporation of the City of Hamilton ISSUE an Estoppel Certificate incorporating the provisions set out in a Draft Certificate annexed hereto and marked APPENDIX "J" to GGS Hotel Holdings Canada Inc. and GGS Co. Ltd. certifying that the City's Development Agreement and Ground Lease with Lakeview are in good standing, subject to the Agreements mentioned therein being registered by Lakeview and that the Mayor and City Clerk be authorized to execute this Certificate.

- (j) That the Certificate regarding the "Original Development Agreement" incorporating the provisions set out in a Draft Certificate annexed hereto and marked APPENDIX "K", BE ISSUED by the Review Authority on behalf of the City certifying that the Developer, Greater Hamilton Developers Limited has no outstanding obligations with regard to the property upon which the Sheraton Hamilton Hotel is situated, under the Original Development Agreement, save as set out in the Interface Agreement or contained in the Ground Lease between the City and Lakeview.
- (i) That Mr. D. W. Vyce, Co-ordinator of the Lloyd D. Jackson Square be authorized to execute this Certificate on behalf of the City as a member of the Review Authority.
- (k) That a Certificate on General Matters incorporating the provisions set out in the Draft Certificate annexed hereto and marked APPENDIX "L", BE EXECUTED by the Mayor and City Clerk to approve proposed alterations to the Hotel's Banquet facilities and to confirm the status of several previous agreements with Lakeview Development Limited.
- (l) That the City Treasurer BE DIRECTED to invest the lump sum payment of \$200,000. for the highest possible compound value.

Recorded vote: Yeas - Smith, Lombardo, Christopherson, McCulloch, Ross

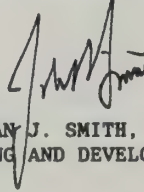
Nays - Kiss

It was indicated that this matter would be presented to Hamilton City Council for approval on Tuesday, 1989 April 11.

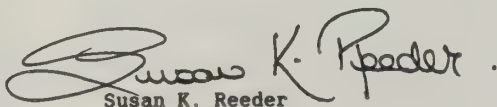
Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved.



ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE



Susan K. Reeder
Secretary
1989 April 7

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



MS. C. DEITER
URBAN MUNICIPAL LIBRARIAN

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1989 May 5th

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1989 May 10th
1:30 o'clock p.m.
Room 233, City Hall

HAMILTON PUBLIC LIBRARY

MAY 09 1989

Susan K. Reeder
Secretary

SKR:dbm

GOVERNMENT DOCUMENTS

ZONING APPLICATIONS WILL BE HEARD IN THE COUNCIL CHAMBERS

A G E N D A

1. Minutes of the meeting held Wednesday, 1989 April 5th and Tuesday, 1989 April 25th.

BUILDING COMMISSIONER

2. Demolition Permit Applications.

DIRECTOR OF COMMUNITY DEVELOPMENT

3. Applications - Ontario Home Renewal Programme.
4. Application - Commercial Facade Loan Programme.
5. Hamilton Eaton's Centre - Streetscaping along York Boulevard.

COMMISSIONER OF ENGINEERING

6. Cash Payment in lieu of 5% Parkland Dedication - "Ridgeview Estates - Phase 3".

DIRECTOR OF PROPERTY

7. Release of Building Covenants - Domglas Inc., 215 and 235 Hempstead Drive - Lots 29 and 30, Plan M-227 - Hamilton Mountain Industrial Park No. 1.

L.A.C.A.C.

8. Designation of Stinson Street School, 180 Grant Avenue.

DIRECTOR OF LOCAL PLANNING

9. Proposed Draft Plan of Condominium, Spallacci Plaza, Spallacci Construction Ltd., owner, for lands located on the east side of Lancing Drive, north of Rymal Road East; Rymal Neighbourhood. (SA-89-03)
10. Housing Intensification Study Neighbourhood Survey. (P5-4-2-18)
11. Chappel East and West Neighbourhood Plan - Authorization for Public Meeting. (P5-2-23)
12. Official Plan Amendment No. 18 - City of Stoney Creek. (P7-3-4)

MAYOR MORROW

13. Correspondence - Mr. H. C. Harnden, re: properties on 1610, 1614, 1620, 1626 Upper Gage Avenue (west side at Rymal Road).

ZONING APPLICATIONS

COUNCIL CHAMBERS

3:00 o'clock p.m.

14. Zoning Application 89-07, Adisco Limited, prospective owner, for a change in zoning from "AA" and "C" to "D" modified, for land in the area south of Stone Church Road East and east of the Ontario Hydro right-of-way; Butler Neighbourhood.
15. Zoning Application 89-08, Starward Homes Limited, owner, for a change in zoning from "AA" to "C", for lands on the north side of Stone Church Road West in the area east of Garth Street; Gourley Neighbourhood.

3:15 o'clock p.m.

16. Zoning Application 89-20, Barbara Pinto, M.D., prospective owner, for a change in zoning from "AA" to "C" modified and a further modification to the "C" District regulations, for property at No. 836 Upper Wentworth Street; Bruleville Neighbourhood.
17. Zoning Application 89-24, Maria and Labro Spandonidis, owners, for a modification to the "C" District regulations for property at No. 21 Lottridge Street; Stipeley Neighbourhood.

(a) Letter of submission - Mr. & Mrs. Hill, 827 Cannon Street East.

(b) Letter of submission - Mr. Pond, 25 Lottridge Street.

3:30 o'clock p.m.

18. Zoning Application 88-121, Arm-orn Properties Limited, owner, for a modification to the "M-13" District regulations for property at Nos. 60 and 76 Harlowe Road; Hannon North Neighbourhood.

3:45 o'clock p.m.

19. Tiffany Block, Central Neighbourhood. (P5-2-21)
20. Site Plan Control Application DA-88-125, G. Sebastian, owner, of No. 10 Hempstead Drive; Rymal Neighbourhood.
21. Site Plan Control Application DA-88-138 by 591613 Ontario Inc., owners, for lands at 400 York Boulevard; Strathcona Neighbourhood.
22. Site Plan Control Application DA-89-20 by Jubilee Consultant Services, owner (In Trust), for lands at 405 York Boulevard; Strathcona Neighbourhood.

23. Other Business.

24. Adjournment.

Wednesday, 1989 April 5
1:30 o'clock p.m.
Room 233, City Hall

A Special Meeting of the Planning and Development Committee was held.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman B. Hinkley
Alderman D. Ross
Alderman D. Christopherson

Regrets: Alderman W. McCulloch - Police Commission Meeting
Alderman H. Merling - Vacation

Also present: Alderman J. Gallagher
Alderman T. Jackson
Alderman G. Copps
Mr. D. Powers, City Solicitors Office
Mr. J. Prypasniak, Weir & Foulds
Mr. D. Vyce, Director of Property
Mr. E. Matthews, City Treasurer
Mrs. Susan K. Reeder, Secretary

The Committee agreed to move IN-CAMERA to discuss a matter of a Private and Confidential nature with respect to the sale of the Sheraton Hotel.

Following an IN-CAMERA session on this matter the Committee moved into regular session and approved the following:

That an additional special meeting be held on Friday 1989 April 7 at 9:00 o'clock a.m. in Room 233, to continue discussions on the Sheraton Hotel sale as a result of several outstanding documents which were not available at this time, but will be ready for the special meeting on Friday.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1989 April 5

Sale -
Sheraton Hotel.

Future meeting
to continue
deliberation.

Adjournment.

Tuesday, 1989 April 25
6:45 o'clock p.m.
Room 233, City Hall

A Special Meeting of the Planning and Development Committee was held.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman W. McCulloch
Alderman D. Christopherson
Alderman D. Ross
Alderman B. Hinkley

Regrets: Alderman M. Kiss - Family Illness
Alderman H. Merling

Also present: Alderman V. Agro
Alderman J. Gallagher
Alderman T. Cooke
Alderman G. Copps
Alderman D. Drury
Mr. L. Sage, Chief Administrative Officer
Mr. D. Vyce, Director of Property
Mr. L. King, Building Department
Mr. R. Karl, Traffic Department
Mr. V. Abraham, Director of Local Planning
Mr. K. Rouff, City Solicitor
Mrs. Susan K. Reeder, Secretary

The Director of Property spoke to the Committee on his report dated 1989 April 25 which was revised and placed before the Committee at its meeting. Mr. Vyce addressed the matter respecting Permission to Allow Robinson Securities Ltd. (Robinson's Department Store) to Assign the Tunnel Easement and Areaway Easement to the Royal Bank of Canada.

Alderman McCulloch requested whether the matter respecting the Penalty Payment charged to Robinson's for not developing the lands behind them is included with the Agreements. The Director of Property indicated that this matter is inclusive in the transfer of all obligations and responsibilities of the 1972 Agreement.

The Committee then APPROVED the following recommendation:

- (a) That The Corporation of the City of Hamilton GRANT PERMISSION to Robinson Securities Limited to assign the tunnel easement as stated in paragraph four (4) of the 1972 June 13 Agreement between the City of Hamilton, Robinson Securities Limited, The G. W. Robinson Company Limited, First Phase Civic Square Limited and Yale Properties Limited to The Royal Bank of Canada, the purchaser of the Robinson's Department Store property, subject to the Purchasers agreeing to assume and obligate itself to the City in respect of all obligations of Robinson's Securities Ltd. and the G. W. Robinson Company Limited in the aforesaid 1972 Agreement.
- (b) That the City of Hamilton GRANT PERMISSION to Robinson Securities Ltd. to assign the areaway easement described in paragraph 3(b) of the 1972 Agreement to The Royal Bank of Canada.
- (c) That the City ENTER INTO Assignment Agreements in the form annexed hereto and marked as APPENDIX "A" and "B".
- (d) That additional copies of the Agreement dated 1974 October 1, entered into by the City with First Phase Civic Square Limited and Yale Properties Ltd. for the purpose of confirming the limits of the MacNab Street Truck Tunnel beneath Jackson Square BE EXECUTED by the Mayor and City Clerk and registered on title to the Truck Tunnel.

Permission to Allow Robinson Securities Ltd. (Robinson's Department Store) to Assign the Tunnel Easement and Areaway Easement to the Royal Bank of Canada.

NOTE: In connection with the development of lands adjacent to the MacNab Street Truck Tunnel by C.I.B.C. and The Royal Bank of Canada it is necessary to register the 1974 October 1 Agreement.

Cash-in-Lieu of
Parking Policy -
1322 King Street East

The Committee was in receipt of a report from the Building Commissioner dated 1989 March 30 respecting Cash-in-Lieu of Parking Policy for the Property located at 1322 King Street East. This matter had been tabled from the previous meeting of the Committee in order that the Ward Alderman could be present.

Alderman Hinkley, the Ward Alderman spoke on this matter and introduced the Owner, Engineer and Real Estate Agent who were in attendance with respect to this item.

The Committee then APPROVED the following:

- (a) That in accordance with the cash-in-lieu of parking policy, Mr. George Cotroneo, owner of property at 1322 King Street East, BE REQUIRED TO PAY to the City of Hamilton the sum of \$47,500. (which is based on 50% of the cost of providing 19 parking spaces at a total cost of \$95,000.); and
- (b) That the City Solicitor BE DIRECTED to implement the cash-in-lieu of parking policy; and,
- (c) That approval of this matter BE SUBJECT TO the owner providing the Building Department with building plans showing the development in accordance with the Zoning By-Law and the Ontario Building Code and that a plot plan based on a survey BE PROVIDED showing the 6 parking spaces located on the lot.

Adjournment

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1989 April 25

FOR ACTION

2.

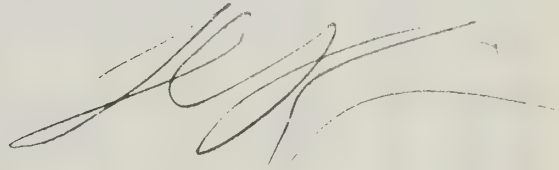
REPORT TO: The Planning and Development Committee

FROM: L.C. King, Deputy Building
Commissioner

DATE: May 3, 1989
COMM. FILE:
DEPT. FILE:

SUBJECT:

Demolition



RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the following properties: -

- A. 916 Upper Paradise Road
- B. 930 Upper Paradise Road
- C. 247 Brant Street
- D. 377-379 Sherman Avenue North
- E. 130 Young Street
- F. 354 Birch Avenue

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.

F O R A C T I O N

3

REPORT TO: Susan K. Reeder, Secretary
Planning & Development Committee

FROM: E. W. Kowalski, Director
Department of Community Development

DATE: 1989 May 1
DEPT FILE: 800-0300

SUBJECT: Ontario Home Renewal Programme (O.H.R.P.)

RECOMMENDATION:

That the Director of Community Development be authorized to process the following grant/loan(s) in the amounts not to exceed \$7,500. The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.

E. Kowalski

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND:

The applications listed below are currently being processed for a grant and/or loan pursuant to an amendment to The Housing Development Act, Regulation 506 (R.R.O. 1980).

For the information of the members of the Committee, the total number of applications to date under the Ontario Home Renewal Programme is three thousand, eight hundred and fifty-two (3,852).

- (a) Luciano Cacioppo
52 Mulberry Street
- (b) Agnes Filinski
204 Fernwood Crescent

F O R A C T I O N

4.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director

DATE: 1989 May 5

DEPT FILE: FACADE 62

SUBJECT: Commercial Facade Loan Programme -
335 Upper Wentworth St., Hamilton. (Mountain Lanes)

RECOMMENDATION:

That a repayable loan, in the amount of Fifteen thousand dollars (\$15,000.) be approved for 335 Upper Wentworth St., Ankica Miokovic. The interest rate will be 6 3/4 percent, amortized over 10 years.

FINANCIAL IMPLICATIONS (IF NONE, N/A)

N/A

BACKGROUND

The owner of 335 Upper Wentworth Street has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property, under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Concession Street Business Improvement Area has reviewed the plans and approved the work which is to be undertaken by the owners.

The Department of Community Development therefore recommends the approval of a Commercial Facade Loan to A. Miokovic for improvements to 335 Upper Wentworth Street, in the amount of \$15,000. The loan will be amortized over a 10 year period at 6 3/4 percent interest. The monthly payments will be \$172.25, and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

4

FOR ACTION

5.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1989 May 2

COMM FILE:

DEPT FILE: 301-0010

SUBJECT: Hamilton Eaton's Centre; Streetscaping Along
York Boulevard

RECOMMENDATION:

- a) That thirty-three thousand dollars (\$33,000.) be provided for streetscape improvements to York Boulevard at MacNab Street as requested by Cadillac Fairview Corporation. (attached as Schedule 'A')
- b) That, the Co-ordinating Committee recommend the method of funding this project.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

A maximum of thirty-three thousand dollars (\$33,000.) has been estimated for completion of the work.

BACKGROUND:

At its meeting held 1989 April 13, the Downtown Action Plan Co-ordinating Committee (DAPCOM) recommended approval of the improvements to the MacNab, York intersection. Cadillac Fairview Corporation has requested that the City of Hamilton participate in an joint venture with the Eaton's Centre development which would provide for concrete crosswalks at MacNab Street and York Boulevard as well as some sidewalk improvements to the northeast entrance of the Hamilton Farmers Market. Cadillac Fairview, within the scope of the new Eaton's Centre development, will be supplying a new sidewalk surface to the south side of York Boulevard from MacNab Street to James Street. These improvements will adhere with the existing Downtown Action Plan design on adjacent streets.

cc: Mr. D. Vyce, Director
Property Department

Mr. J. Schatz, Secretary
Co-ordinating Committee

Mr. E. Matthews, Treasurer
Treasury Department

ATTENTION: Mr. R. Hammel, Manager of Budgets
Treasury Department



Cadillac
Fairview

Schedule 'A'

VIA COURIER

February 17, 1989

Direct Line: 598-8337

Mr. Ed Kowalski
Director, Community Development
The Corporation of the City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Feb 20/89
301-0010
940-05

Dear Ed:

RE: Hamilton Eaton Centre

Pursuant to discussions you have had with our landscape architect regarding the landscape treatment along the perimeter of Hamilton Eaton Centre, I would like to submit herein our proposal for the sharing of certain costs associated therewith.

As you know, we are proposing to highlight the sidewalk surface treatment at the major entrances into our project. Specifically, at the Eaton's entrance across from the Farmer's Market, we are suggesting a unit paver treatment which would extend across the McNab Street truck access route, to create a visual link between the Eaton's entrance and the Farmer's Market entrance. As part of the improvement of this important pedestrian intersection and in keeping with your standards for the downtown core, we believe it would be appropriate to similarly accent the Farmer's Market sidewalk area and create pedestrian crosswalks across both York Boulevard and McNab Street.

We hereby request that the City consider making the above improvements to the area adjacent to the Farmer's Market entrance and to the crosswalks. We believe this treatment is desirable not only for its contribution to the general improvement of the downtown area, but also because of the strong relationship between the parking garage and the Farmer's Market. In other words, we would suggest that, as owner of both the Farmer's Market and the municipal parking garage, the City would also stand to benefit directly from these improvements. For your information, our estimate of the work which we are requesting be undertaken by the City is approximately \$33,000.

.../2



February 17, 1989
Mr. Ed Kowalski
The Corporation of the City of Hamilton

Page 2

We look forward to your advice as to the City's position on this matter. Please feel free to call me should you wish to discuss further.

Sincerely,

THE CADILLAC FAIRVIEW CORPORATION LIMITED

Mauro Pambianchi
Vice President
Project Development

MP:cdk
Enclosure

cc: Dan Vyce

I.D. 1620D (68)

F O R A C T I O N

6.

REPORT TO: MS. S. REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: G.S. SPENCER
 COMMISSIONER OF ENGINEERING

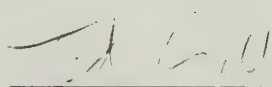
DATE: May 3, 1989
COMM FILE:
DEPT FILE: S718-63
ID#0043

SUBJECT:

"Ridgeview Estates - Phase 3", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION

That the City of Hamilton accept the sum of \$7,000.00 as cash payment in lieu of 5% dedication in connection with "Ridgeview Estates - Phase 3", Hamilton, this being the cash requirement under Section 50 of The Planning Act.



G.S. Spencer
Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The owner of the lands for the above referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

Con't

Page 2 -

"Ridgeview Estates - Phase 3", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

Con't

In accordance with normal City procedure, the City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$7,000.00.

NOTE: These lands are located east of Upper Wentworth Street and south of Stone Church Road in the Butler Neighbourhood, Hamilton.

CAU:lp
Attach.

cc: D.J. Consoli, City Treasury Department

N.T.S.

[illegible]

FOR ACTION

7.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

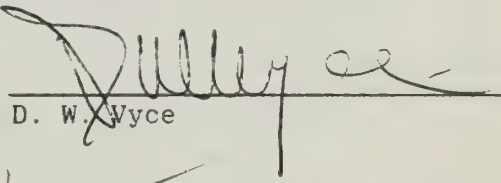
FROM: Mr. D. W. Vyce
Director of Property

DATE: 1989 May 4
COMM FILE:
DEPT FILE: 20.1.194
(2738)

SUBJECT: Release of Building Covenants - Domglas Inc.
215 and 235 Hempstead Drive - Lots 29 and 30
Plan M-227 - Hamilton Mountain Industrial Park No.1

RECOMMENDATION:

That the Mayor and City Clerk be authorized to execute documents for the purpose of releasing two industrial lots (Lots 29 and 30, Plan M-227) known municipally as 215 and 235 Hempstead Drive, Hamilton from the construction covenants contained in deed No. 106424 L.T. as these covenants have been fulfilled.


D. W. Vyce

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

In adopting Item #11 of the 13th Report of the Planning and Development Committee on April 28, 1981, City Council authorized the sale of the City owned Lots 29 and 30, Plan M-227, Hamilton Mountain Industrial Park No. 1, to Domglas Inc. The transaction was completed on May 22, 1981. On September 24, 1982 a 43,200 square foot building was completed on the site.

This department supports the request of the owners that the City of Hamilton released the construction covenants contained in the deed number 106424 LT in order to clear the title.

All the covenant as noted above have been fulfilled.

c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. M. Chidley, Regional Surveyor

FOR ACTION

8.

REPORT TO: Mrs. S. Reeder, Secretary
Planning and Development Committee

FROM: Miss C. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 April 26
COMM FILE:
DEPT FILE:

SUBJECT: DESIGNATION OF STINSON STREET SCHOOL, 180 GRANT AVENUE

APR 26 1989

RECOMMENDATION:

- a) That City Council give approval to the "Intent to Designate" Stinson Street School at 180 Grant Avenue as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983.
- b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1989 April 24 gave preliminary approval to the Intent to Designate this property as one of architectural and/or historical significance.

At a recent meeting attended by Mr. Keith Reilly, Director of Education and other Board of Education staff members, the architect in charge of renovations, the two Ward Trustees and Planning Department staff, the School Board representatives expressed an interest in designation. The Operations Management Committee approved the proposed designation at its meeting held 1989 April 11 and the Board gave final approval to its meeting held 1989 April 20.

Attached are the Reasons for Designation and the necessary Planning information.

CC/mec
Attached

REASONS FOR DESIGNATION

Stinson Street School 180 Grant Avenue

The original Stinson Street School, erected in 1894-5 on Stinson Street between Grant and Ontario Avenue, is now part of a building complex which occupies a full block bounded to the south by Alanson Street. It is the major landmark in the Stinson neighbourhood, a residential community composed mainly of late 19th and early 20th century houses. The original school was built at the outer edge of the residential development east of Corktown and stood at the foot of the Escarpment close to the Wentworth Street Incline Railway, also opened in 1895.

The original 1894-5 school building and a second building erected to the rear in 1915 were both designed by local architect Alfred W. Peene, best known for his design of the former Hamilton Public Library (now the Unified Family Court). Stinson Street School was one of Peene's first major commissions and the earliest of five City public schools which he designed.

Stylistically, Stinson Street School marked a departure from the High Victorian design of the public schools built in Hamilton during the 1870s and 80s. Both the original building and later addition were designed in a Romanesque Revival style inspired by the work of the American architect, Henry Hobson Richardson, which became the favoured style for public and institutional buildings designed by Canadian architects in the 1890s. The characteristic Richardsonian Romanesque features of Stinson Street School are its bulky square proportions and rugged quality, its rusticated ashlar sandstone base and its semi-circular rusticated stone archway over the recessed main entrance. The transomed windows, massive octagonal chimney and tall parapeted gable with a triple window and flanking chimney-like elements (echoing the pinnacles of more elaborate buildings of this style) are also distinctive Romanesque features.

Stinson Street School is the last surviving Richardsonian Romanesque public building in Hamilton. The outstanding example, the old City Hall designed by James Balfour and built in 1888, as well as two other important buildings erected in the 1890s: Central Collegiate Institute and the former Y.M.C.A. building have all been demolished.

Stinson Street School is also one of only three remaining 19th century Hamilton public schools, the other two being Central Public School (1853) and West Avenue School (1885). Of these, it is the only one fully used for educational purposes.

The architectural integrity of both the exterior and interior has been preserved to a very large extent. Aside from a relatively unobtrusive gymnasium addition (1959) linking the 1894 and 1915 buildings, no significant exterior changes have been made. The interior of each building has undergone only one major alteration of an unsympathetic nature: the enclosure of the two stairways between the ground and second floors. The wooden floors and wainscotting, the original wooden staircases of the earliest building and the wood and iron staircase of the later one, and most of the tall panelled wood doors and moulded frames are still intact and in good condition.

Important to the preservation of Stinson Street School are:

1. (exterior) the facades of both the 1895 and 1915 buildings, including, the five original entrances, the double-hung wooden sash windows, and the slate roofs with their gables, dormers and chimneys, and excluding the gymnasium addition..
2. (interior) the central hall spaces of the first and second floors; original interior features of the halls and stairways, including the classroom doorways, the four main staircases, and the wood floors and wainscotting.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1989 MAY 1
COMM FILE:
DEPT FILES: SA-89-03
25CDM-89007

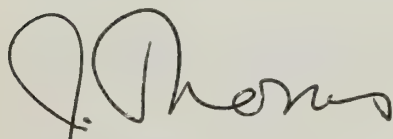
SUBJECT


Proposed Draft Plan of Condominium "Spallacci Plaza".

RECOMMENDATION

That approval be given to application SA-89-03, "Spallacci Plaza", Spallacci Construction, owner, to establish a draft plan of condominium located at the east side of Lancing Drive, north of Rymal Road, subject to the following conditions:

1. That this approval apply to the plan prepared by Ashenhurst Nouwens Limited, dated February 10, 1989.
2. That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development


J. Abraham, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

Spallacci Construction, Hamilton, Ontario

Surveyor

Ashenhurst Nouwens Limited, Hamilton, Ontario

Location

The lands, comprising 0.88 ha, being Lots No. 26 and 27 of Registered Plan 62M-489, are located on the east side of Lancing Drive, north of Rymal Road, in the Rymal Neighbourhood, City of Hamilton.

PROPOSAL

The owner is in the process of constructing 16 units for industrial purposes within two buildings.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Industrial-Business Park" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Industrial". The proposal complies.

Neighbourhood Plan - the lands are designated "Restricted Industrial". The proposal complies.

Zoning - the lands are zoned "M-14" (Prestige Industrial) District to permit the proposed use. The proposal complies.

Niagara Escarpment - the lands are not within the Development Control Area, therefore the regulations do not apply.

COMMENTS FROM CIRCULATION

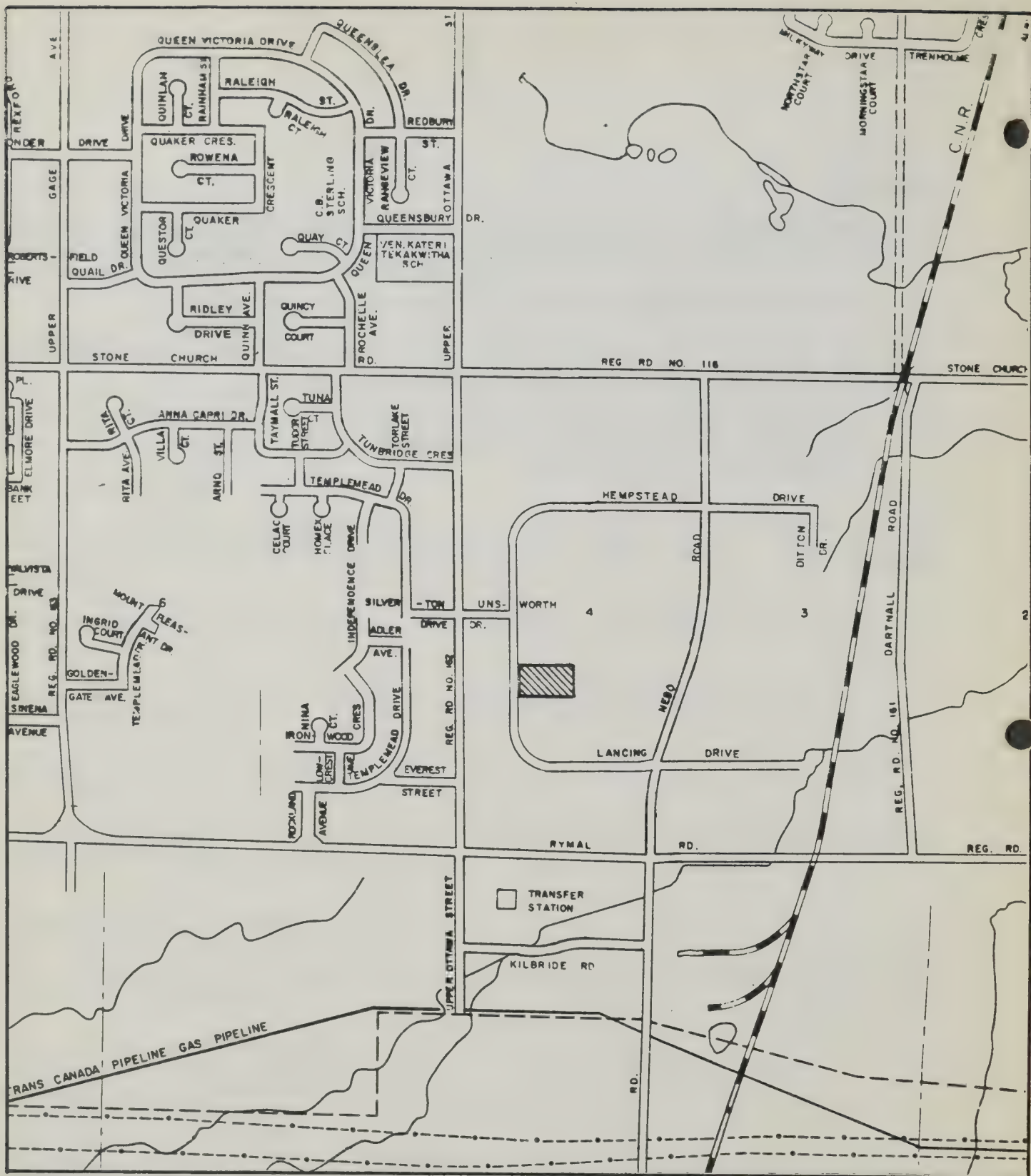
The following agencies have advised that they have no comment or objection toward the development:

Ministry of the Environment;
Ministry of Transportation;
Hamilton Region Conservation Authority;
City Traffic Department;
City Building Department;
Union Gas, Bell Canada, Ontario Hydro;
Hamilton-Wentworth Department of Engineering.

COMMENTS

1. The conformity of the proposal with the Official Plans and Zoning By-law is noted.
2. No commenting agency has objected to the plan of condominium.
3. The lands of the proposed draft plan are Lots 26 and 27 of Registered Plan M-489 as approved by Regional Council.
4. The owner received approval of a Site Plan under DA-88-32 which was approved on April 25, 1988. The draft plan of condominium conforms with the approved plan of DA-88-32.

JLS/jd



Location Plan For

SPALLACCI PLAZA

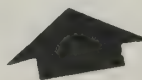
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED CONDOMINIUM

North



Scale

N. T. S.

Date

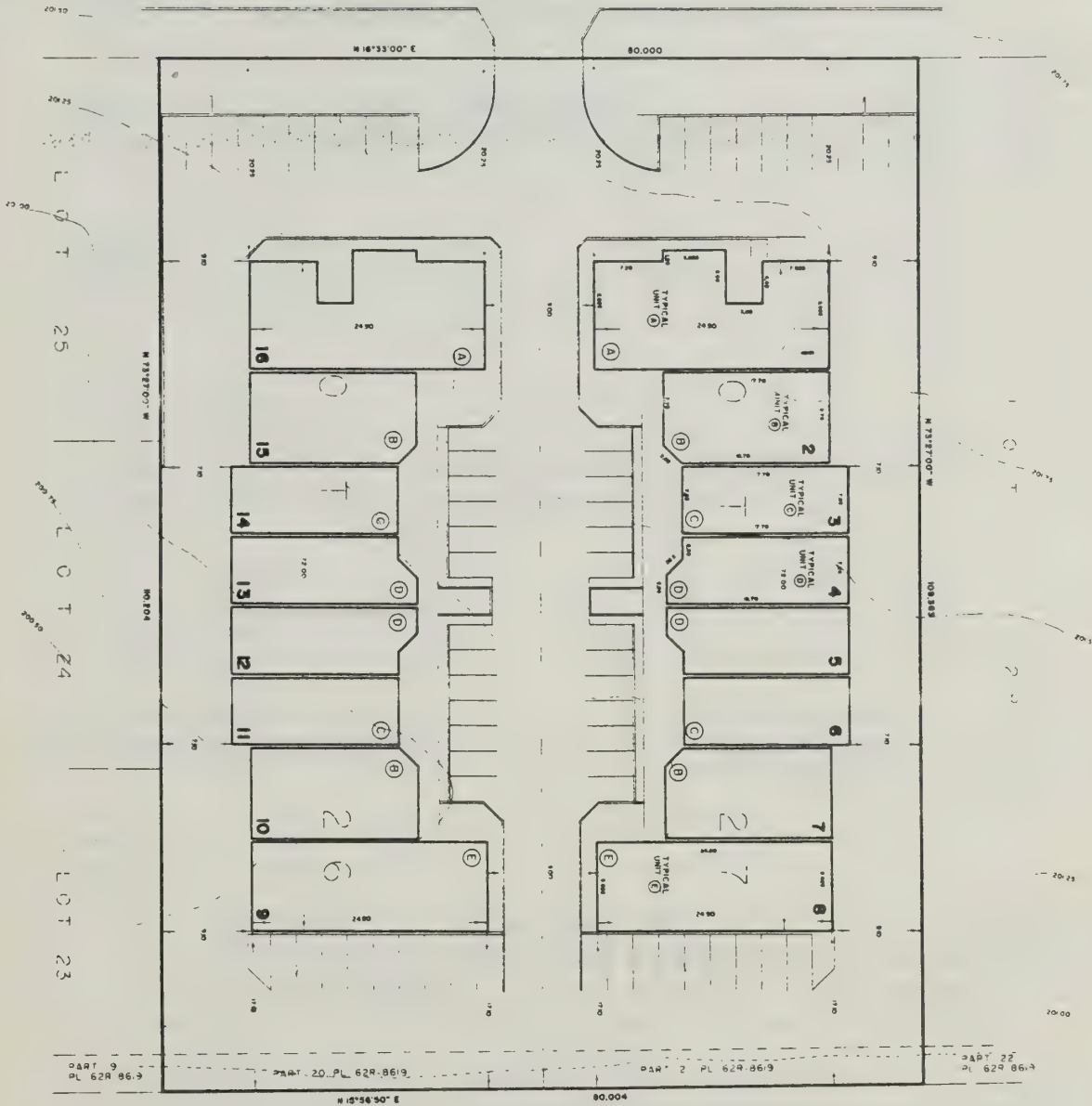
FEB. 24, 1989

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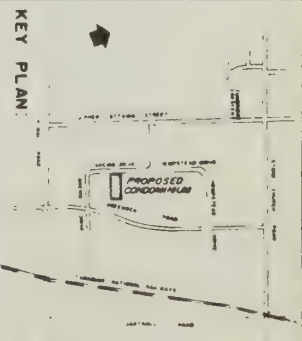
25CDM - 89007

Drawing No.

LANCING DRIVE



LOT 13 LOT 14
REGISTERED PLAN V-227
HAMILTON MOUNTAIN INDUSTRIAL PARK



METRIC NOTE:

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

OWNERS CERTIFICATE:

IN ACCORDANCE WITH SECTION 50(2) OF THE PLANNING ACT, 1993, WE HEREBY AUTHORIZE ASHERHURST HOUWENS LIMITED TO SUBMIT THE PLAN OF SPALLACCI PLAZA TO THE REGIONAL MUNICIPALITY OF HAMILTON - WESTWORTH FOR APPROVAL

John Asherhurst
PRESIDENT - ASHERHURST HOUWENS LIMITED

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ARE ACCURATELY AND CORRECTLY SHOWN

John Asherhurst
JOHN ASHERHURST
ONARIO LAND SURVEYOR

SCHEDULE: RE: SECTION 50(2)

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- ZJ. SHOWN
- ZK. SHOWN
- ZL. SHOWN
- ZM. SHOWN
- ZN. SHOWN
- ZO. SHOWN
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- ZQ. SHOWN
- ZR. SHOWN
- ZS. SHOWN
- ZT. SHOWN
- ZU. SHOWN
- ZV. SHOWN
- ZW. SHOWN
- ZX. SHOWN
- ZY. SHOWN
- ZZ. SHOWN

DEPT. PLAN OF SPALLACCI PLAZA
BEING A PROPOSED CONDOMINIUM (APARTMENT HOUSE) OF
LOTS 26 & 27
RURAL INDUSTRIAL ESTATES NO. 1
REGISTERED PLAN N° 62M-489
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WESTWORTH

SCALE: 1" = 250' (DRAWING NO. 1)
DATE: AUG. 11, 1993
ASHERHURST HOUWENS LIMITED
PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS
180 JAMES STREET SOUTH, 18TH FLOOR
TORONTO, ONTARIO M5R 1A8
416-593-4316

SCALE: 1" = 250' (DRAWING NO. 1)
DATE: AUG. 11, 1993
ASHERHURST HOUWENS LIMITED
PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS
180 JAMES STREET SOUTH, 18TH FLOOR
TORONTO, ONTARIO M5R 1A8
416-593-4316

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

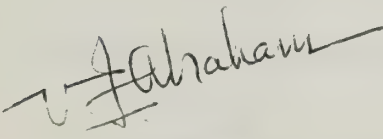
DATE: 1989 April 25
COMM FILE:
DEPT. FILE: P5-4-2-18

SUBJECT:

Housing Intensification Study - Neighbourhood Surveys.

RECOMMENDATION

That the Planning and Development Committee authorize the circulation of a Housing Intensification Neighbourhood Survey.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

- o Data collection for the Housing Intensification Study started in January, 1989. The funding for the study (75% Provincial) allows for carrying out neighbourhood surveys. The survey proposal is supported by the steering committee made up of Provincial and City representatives.
- o The purpose of the attached neighbourhood survey is to gauge residents' attitudes to apartment conversion for Beasley/Central (north of downtown), Homeside (east of the Centre Mall) and Bruleville (west of Limeridge Mall). The potential supply of conversions to apartments could be measured.

Beasley/Central is the proposed PRIDE improvement area where additional funding for housing intensification has been requested. Homeside is a "C" residential zoned area, with some apartment conversions permitted, where parking is not a major problem (because of the existence of rear alleys). Bruleville also has "C" residential zoning but, having been built after 1940, does not allow apartment conversions. Greater numbers of people living near Limeridge Mall is desirable from a planning viewpoint.

- o The survey would involve a questionnaire to households living in single, semi-, or duplex units in each of these neighbourhoods. The survey would cost approximately \$1,500 which is already budgeted. It is expected the survey would be carried out in April, 1989.
- o Although data is available from other sources, it is important to have Hamilton related material. The results will be used when considering possible changes to the zoning by-law and in the development of policies to deal with conversion proposals. It would be used by staff, the Steering Committee, the Planning and Development Committee, Council and possibly the O.M.B. (if any changes to the zoning by-law are appealed). Apartment conversions could make a contribution to the provision of more affordable housing.
- o The matter was tabled on April 12 so that information of the questionnaire could be supplied. The questionnaire is attached.

DG:CS
Attach.

0021P



REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
Planning and Development Department

CITY OF HAMILTON HOUSING INTENSIFICATION STUDY

1. In which of the following types of housing do you presently live?

- ☐ Single Detached
- ☐ Semi (2 units side-by-side)
- ☐ Duplex (2 units one above the other)
- ☐ Other (please specify)_____

2. How long have you lived in this neighbourhood?_____

3. Do you intend to remain living in this neighbourhood in the foreseeable future?

- ☐ Yes
- ☐ No

4. Do you rent or own the place where you presently live?

- ☐ Rent (Please go to Question 10)
- ☐ Own

5. Do you presently have a self-contained private apartment in your home?

- ☐ Yes
- ☐ No

6. Do you presently rent out a room in your house?

- ☐ Yes
- ☐ No

7. Have you ever consider creating a self-contained private apartment in you home?

- ☐ Yes
- ☐ No (Please go to question 10)

8. Why would you consider creating a self-contained private apartment in your home?

☐ Financial reasons

☐ Extra unused space

☐ Personal reasons

☐ Other (please specify) _____

9. If you were to create a self-contained private apartment, would you remain in your home as a live-in landlord?

☐ Yes

☐ No

10. Would you be interested in any of the following arrangements in your home in the foreseeable future?

☐ Sharing with another household

☐ Renting rooms to 1 or 2 roomers or boarders

☐ Neither

11. Would you object to one of your neighbours creating a self-contained apartment in their home?

☐ Yes

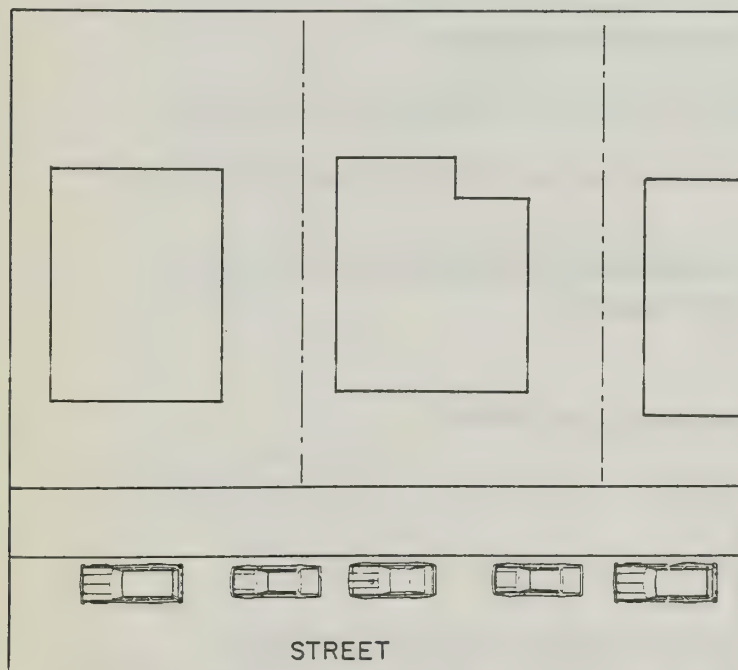
☐ No If yes, why would you object?

12. Would you support a by-law that requires a homeowner to remain living in the home if he/she wishes to create a self-contained private apartment?

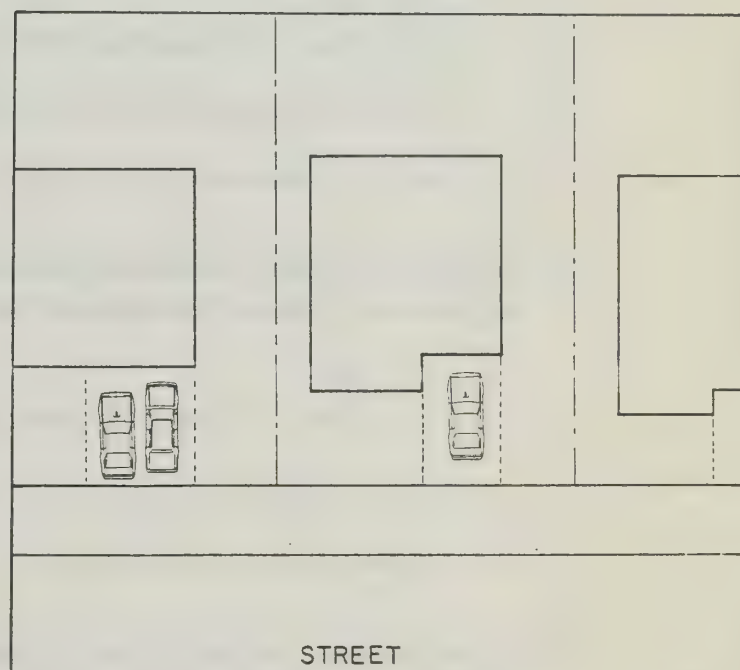
☐ No .

☐ Yes If yes, why would you support this requirement?

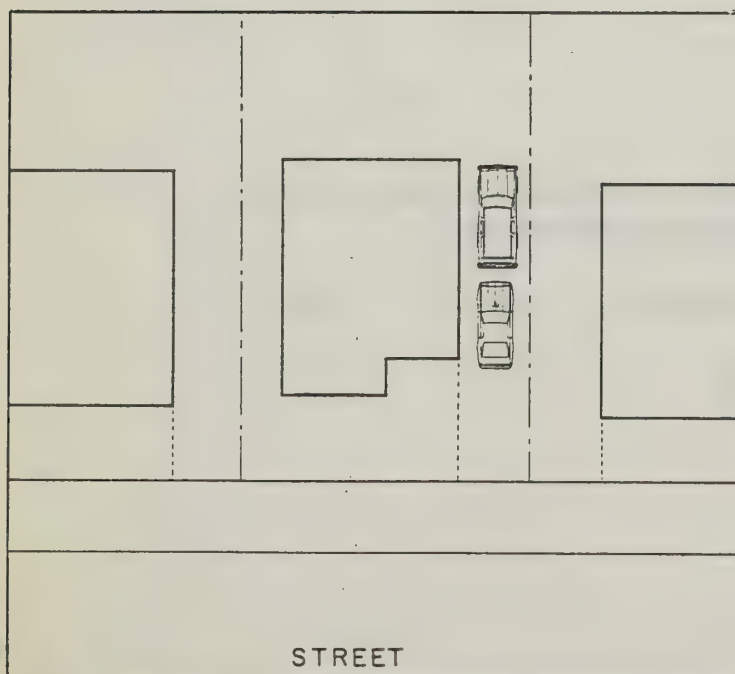
13. Which of the following parking arrangements would you find acceptable for homes which contain a self-contained apartment? Please circle the letter adjacent to the diagram. You may circle as many as you want.



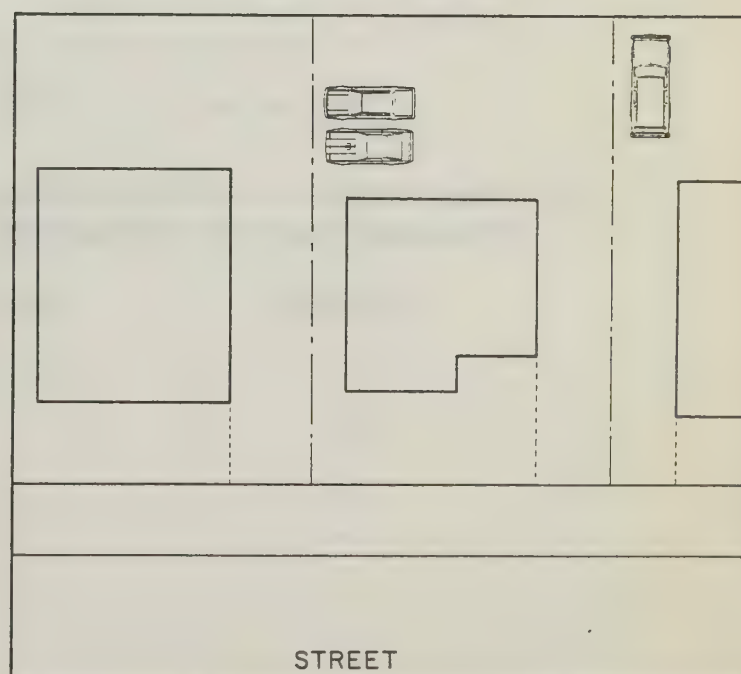
A Street Parking



B Front Yard Parking



C Driveway Parking



D Rear Yard Parking

14. Would you support a requirement that exterior alterations (such as second floor entry stairs and fire escapes) not be allowed on the front of a building, except when required for safety purposes?

☐ No

☐ Yes If yes, why would you support this requirement?

15. Would you support a restriction preventing an addition from being built onto a house so that a self-contained private apartment can be created?

☐ No

☐ Yes If yes, why would you support this restriction?

16. In the Hamilton Zoning By-law, the minimum unit size for a self-contained private apartment in a converted house is approximately 700 square feet. Under the Ontario Building Code, the minimum unit size for a one bedroom apartment is approximately 356 square feet. Would you favour reducing the minimum unit size in Hamilton so that it comes in line with the Ontario Building Code?

☐ No .

☐ Yes If yes, why would you support this reduction?

17. Please provide the following information on those individuals, including yourself, who normally make-up your household. (No names are necessary)

PERSON

RELATIONSHIP

SEX

AGE

- | | | | |
|----|------|--|--|
| 1. | Self | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |

Thank you very much for taking the time to help us with our housing study. If you have any general comments or concerns about the housing situation in Hamilton we would like to know about them. Please use the space below or the back of the questionnaire to provide us with your comments should you have any. Again, thank you for your help.

F O R A C T I O N

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

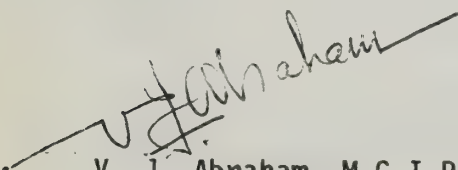
DATE: 1989 April 28
COMM FILE:
DEPT. FILE: P5-2-23
 P5-2-24
CHAPPEL EAST AND WEST
 NEIGHBOURHOODS

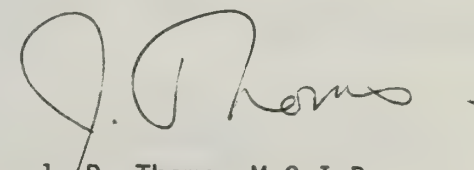
SUBJECT:

Proposed plan - Chappel East and West Neighbourhoods.

RECOMMENDATION

That the Planning and Development Committee authorize a public meeting to discuss the proposed Neighbourhood Plans.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

The availability of sewer services at Upper Wentworth Street and Rymal Road enables the development of the adjacent lands. A proposed plan for the Chappel East and West Neighbourhoods, when approved, will guide land uses and development in this area.

Consequently, a neighbourhood study was commenced in 1988. Background information was collected on land use, ownership, topography, etc., and a plan was prepared based on the general guidelines of the Official Plan.

OFFICIAL PLAN

The Official Plan designates the Chappel East and West Neighbourhoods for residential, open space, major institutional uses and utilities. The Official Plan requires the preparation of a Neighbourhood Plan prior to development of the neighbourhood.

ZONING

The following zoning designations are found in the neighbourhoods:

- "AA" (Agricultural Districts); and,
- "AA/S-616" (Agricultural Districts) modified to permit one additional residential dwelling on the property known as 408 Rymal Road East.

NEIGHBOURHOOD PLAN

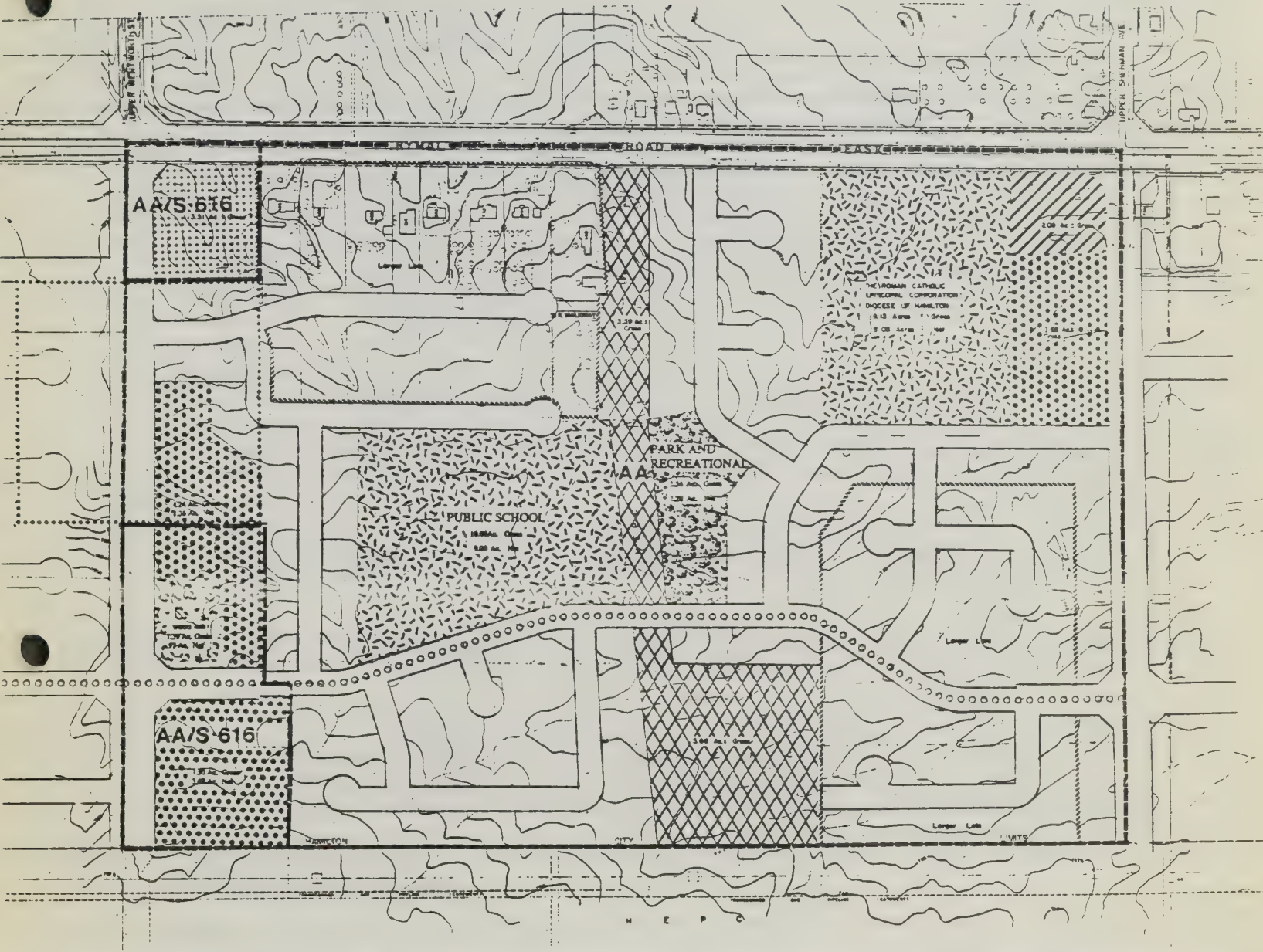
The plan attempts to achieve the following objectives within the framework of the Official Plan:

- a residential neighbourhood with sites designated for a public school, a church, a neighbourhood park, a city-wide park to the west of Upper Wentworth Street, as well as a city yard and Mount Hamilton Cemetery;
- an average residential density of a maximum 35 persons per acre;
- a road layout which discourages through-traffic and minimizes the number of accesses onto arterial roads; and,
- the preservation of the natural wood lot at the north-east corner of the proposed extension of Upper Wentworth Street and the proposed mid-block collector road.

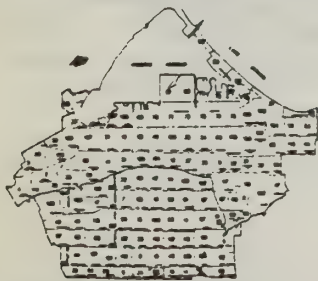
CONCLUSION

A public meeting should be held to obtain input from affected citizens and property owners. Following the review of all submissions, a recommended plan will be forwarded to the Planning and Development Committee for consideration.

GG:CS
0019P



City of Hamilton
Neighbourhood Location



1985 POPULATION 37

Land Use

Residential

- Single and Double
- Attached Housing
- Low Density Apartments
- Medium Density Apartments
- High Density Apartments
- Commercial and Apartments
- Board of Education for the City of Hamilton Existing School Sites
- Area of Larger Lots

Non-Residential

- Commercial
- Industrial
- Civic and Institutional
- Park and Recreational
- Open Space
- Utilities
- Possible Bike Route

Note: This is a guide plan only and is subject to change. For details contact the Local Planning Division of the Regional Municipality of Hamilton-Wentworth.

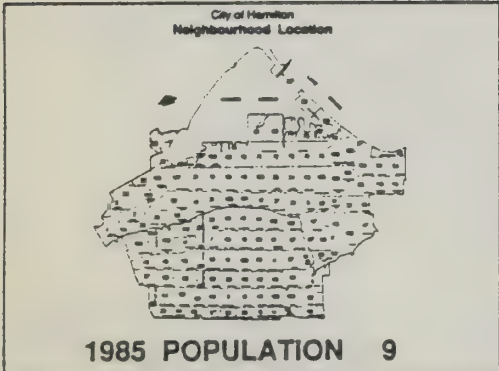
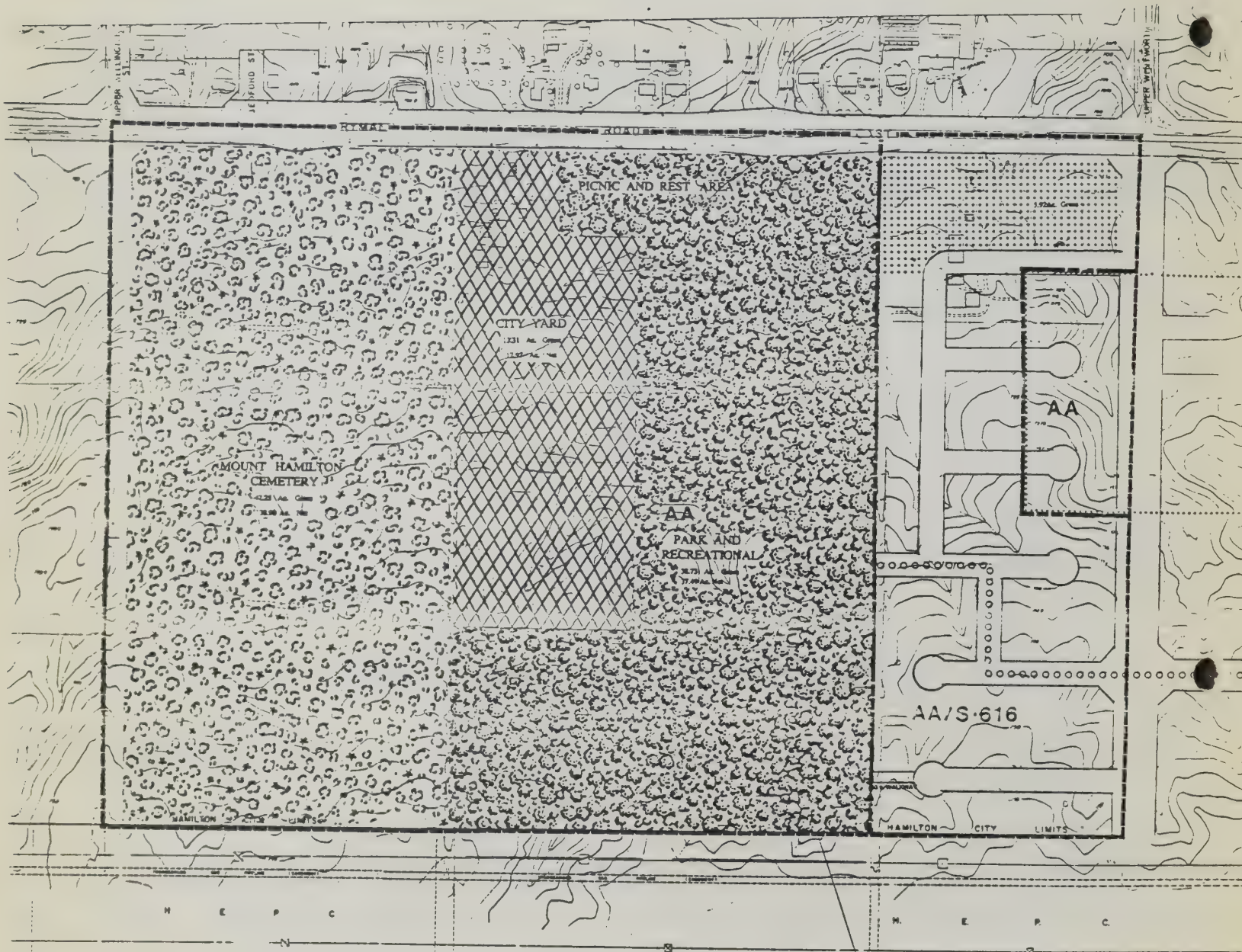
Neighbourhood Boundary
Zoning Boundary
Site Plan Control Boundary

Approvals:
Planning Comm. _____
Council _____

Latest Map Amendment _____

CHAPPEL EAST PROPOSED PLAN

Prepared for the City of Hamilton by the Planning and Development Department
Regional Municipality of Hamilton-Wentworth



| Land Use | |
|---|-------------------------|
| Residential | Non-Residential |
| Single and Double | Commercial |
| Attached Housing | Industrial |
| Low Density Apartments | Civic and Institutional |
| Medium Density Apartments | Park and Recreational |
| High Density Apartments | Open Space |
| Commercial and Apartments | Utilities |
| Board of Education for the City of Hamilton Existing School Sites | Possible Blue Route |

Note: This is a guide plan only and is subject to change. For details contact the Local Planning Division of the Regional Municipality of Hamilton-Wentworth.

| | |
|----------------------------|--------------------|
| Neighbourhood Boundary | Approvals: |
| Zoning Boundary | Planning Bd. _____ |
| Site Plan Control Boundary | Council _____ |
| Latest Map Amendment _____ | |

CHAPPEL WEST PROPOSED PLAN

Prepared for the City of Hamilton by the Planning and Development Department
Regional Municipality of Hamilton-Wentworth

FOR ACTION

12.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 April 27
COMM FILE:
DEPT. FILE: P7-3-4
DURAND NEIGHBOURHOOD

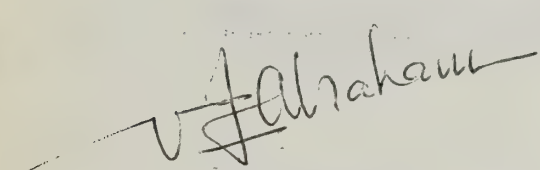
SUBJECT:

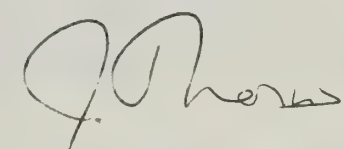
Proposed amendment No. 18 to the Official Plan of the City of Stoney Creek.

RECOMMENDATION

That the Planning and Development Committee recommend to Council that:

- i) Proposed Amendment No. 18 to the Official Plan of the City of Stoney Creek does not conflict with the planning intentions of the City of Hamilton; and,
- ii) The City Clerk be directed to inform the Regional Municipality of Hamilton-Wentworth regarding i) above.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department

FINANCIAL IMPLICATIONS

N/A.

EXPLANATORY NOTE

The Region of Hamilton-Wentworth has requested the City's comments on proposed Amendment No. 18 to the Official Plan of the City of Stoney Creek. The purpose of the proposed Amendment is to change the staging of development boundaries for the Stoney Creek West Mountain Area.

BACKGROUND

As a result of an application for a residential development proposal, the City of Stoney Creek has adopted and submitted to the Region for approval, Official Plan Amendment No. 18. The processing of the Amendment involves the circulation to various agencies for comments. As such, the City of Hamilton has been requested to comment on the proposal.

The subject lands are located adjacent to the City of Hamilton, east of Trinity Church Road, west of Highway No. 20, and south of the Escarpment. The proposed Amendment will change the City of Stoney Creek staging of development boundaries to accommodate a residential development proposal.

It should be noted that a new Secondary Plan for the entire West Mountain Area is currently under preparation. The Secondary Plan will be adopted by the City of Stoney Creek by a future Official Plan Amendment. During the circulation of this Amendment, Hamilton will be afforded the opportunity to express any concerns regarding development of the West Mountain Area.

COMMENTS

The proposed extension of the Stage One area appears to be a logical extension of existing urban development. Further, the City of Hamilton has expressed their comments to Stoney Creek regarding the draft Secondary Plan for the area, and will be formally commenting on the Secondary Plan Amendment during its circulation for approval.

CONCLUSION

Based on the foregoing, proposed Amendment No. 18 to the Official Plan of the City of Stoney Creek will not conflict with the planning intentions of the City of Hamilton.

CL-M:CS
0019P

ROBERT M. MORROW
MAYOR



13.

May 2nd, 1989

MAY 3 1989

Mr. H. C. Hamden
117 Hostein Drive
Ancaster, Ontario
L9G 2S9

Dear Mr. Hamden:

Thank you for your letter dated April 26th, regarding your properties located at 1610, 1614, 1620 and 1626, West Side at Rymal Road.

I have taken the liberty of forwarding your letter to the Secretary of the Planning and Development Committee to be added to the next agenda. I am sure you will be hearing from her shortly.

Again, thank you for bringing this matter to my attention.

Yours very truly

Bob Morrow

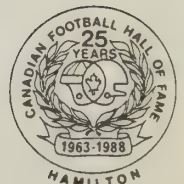
Robert M. Morrow
Mayor
City of Hamilton

RMM:tt

cc. ✓ Mrs. Susan Reeder, Secretary - Planning and Development Committee
Alderman John Gallagher



City Hall,
71 Main Street West, Hamilton, Ontario, Canada L8N 3T4
Telephone: (416) 526-2790



✓ Alderman John Gallagher, from Mayor Bob Morrow, April 27th, 1989

Mrs. Susan Reeder, Secretary - Planning & Development Committee, from Mayor Bob Morrow
APR 27 1989
May 1st, 1989

APRIL 26, 1989.
117 HOSTEIN, DR.
ANCASTER, ONT.
L9G 2S9

MR. MORROW:

MY NAME IS HARNDEN. I OWN FOUR PROPERTIES
ON UPPER GAGE 1610, 1614, 1620, 1626, WEST SIDE
AT RYMAL RD.

ON NOVEMBER 8, 1988 I HAD AN O.M.B. HEARING
REGARDING THE REZONING OF MY PROPERTIES.

THE CHAIRMAN TURNED DOWN MY APPLICATION
IN PART BECAUSE HE WAS LEAD TO BELEIVE THAT
A REVIEW OF MY AREA WAS TO BE DONE AS DIRECTED
BY A COUNCIL RESOLUTION ASKING FOR A REVIEW AND
SUBMITTED AS EXHIBIT #2 DURING THE HEARING.

NOTHING HAS BEEN DONE TO REVIEW MY AREA.

I WROTE A NOTE TO MR GODLEY IN JAN. REQUESTING
A REVIEW OF MY AREA AS SOON AS POSSIBLE.

I LATER CALLED MR GODLEYS' DEPT AND WAS TOLD
A REVIEW MAY TAKE ONE TO FIVE YEARS.

MAY I POINT OUT THE TAXES ALMOST DOUBLED
BECAUSE OF THE INSTALLATION OF THE MAIN SEWER
ON UPPER GAGE. THE MORTGAGE INTERESTS ARE
RISING AND THE RENTS DO NOT COVER THESE
COSTS.

(2)

NO ONE CAN BUY MY PROPERTIES UNTIL A REVIEW IS DONE BECAUSE THE ZONING IS NOT ESTABLISHED AND LOCKED IN.

I HAD A MEETING WITH MR. GODLEY AT MR. GALLAGHERS' OFFICE AND MR. GODLEY INDICATED THE REASON NO REVIEW IS BEING DONE IS BECAUSE MR. MERLING WHO IS THE ALDERMAN OF WARD 7 AND ALSO A PLANNING COUNCIL MEMBER HAD NOT ORDERED A REVIEW.

I WAS UNDER THE IMPRESSION THE OM.B. AND THE CITY COUNCIL HAD PRECEDENTS OVER THE DESIRES OF AN ALDERMAN; PARTICULARLY WHEN AT THE COUNCIL MEETING REGARDING MY APPLICATION FOR REZONING: THE COUNCIL ~~REQUESTED~~ A REVIEW, AS DID THE OM.B. DURING MY HEARING.

IS IT THE INTENTION OF THIS ALDERMAN TO HOLD UP THE REVIEW INDEFINATELY BECAUSE OF THE POWER THAT THE OFFICE HE HOLDS AFFORDS HIM.

MAYBE ALDERPERSONS SHOULD NOT BE ON PLANNING COUNCILS, THEN THE PROCESS MIGHT PROCEED MORE SMOOTHLY.

I POINTED OUT AT THE PUBLIC MEETINGS THAT HAMILTON'S PLANNING DEPT. WANTED AN E2 ZONE AND WOULDN'T SUPPORT OTHER ZONING WHEN I MADE APPLICATION IN 1987.

IT IS TIME THIS AREA BE REVIEWED AND I WOULD REQUEST THAT YOU INTERCEDE ON MY BEHALF.

FOR ACTION

142

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 May 3
COMM FILE:
DEPT. FILE: ZA-89-07
BUTLER
NEIGHBOURHOOD

SUBJECT:

Request for changes in zoning - lands located in the area south of Stone Church Road East and east of the Ontario Hydro right-of-way.

RECOMMENDATIONS

- A. That Zoning Application 89-07, Adisco Limited, prospective owner, requesting changes in zoning from "AA" (Agricultural) District (Block "1") and "C" (Urban Protected Residential, etc.) District (Block "2") to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified, for property located in the area south of Stone Church Road East and east of the Ontario Hydro right-of-way, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", be DENIED for the following reasons:
- 1) the proposed townhouse development conflicts with the intent of the approved Butler Neighbourhood Plan;
 - 2) The proposal to introduce Townhouse development at this location in the interior of the Butler Neighbourhood conflicts with established planning practices and, would be incompatible and out of character with existing and future intended development in the surrounding area;
 - 3) Approval of the application would establish an undesirable precedent and set the stage for future similar applications to permit townhouse development within areas designated for "Single and Double" residential development.
- B. That approval be given to an amended Zoning Application 89-07, Adisco Limited, prospective owner, for changes in zoning from "AA" (Agricultural) District (Block "1") and "C" (Urban Protected Residential, etc.) District (Block "2") to "R-4" (Small Lot Single-Family Detached) District, for property located in the area south of Stone Church Road East and east of the Ontario Hydro right-of-way, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:

- i) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- ii) That the lands described as Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
- iii) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map E-27C for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

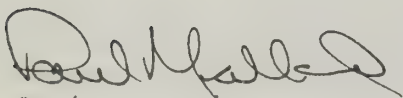
EXPLANATORY NOTE

The purpose of the By-law is to provide for the following changes in zoning for property located in the area south of Stone Church Road East and east of the Ontario Hydro right-of-way, as shown on the attached map marked as APPENDIX "B":

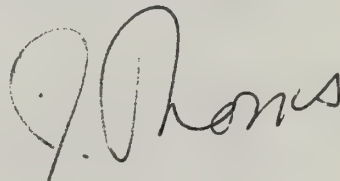
Block "1" - Change from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.

Block "2" - Change from "C" (Urban Protected Residential, etc.) District to "R-4" Small Lot Single-Family Detached District.

The effect of the By-law is to permit development for 51 small lot single-family detached dwellings.



J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● Proposal

It is the applicants' intention to rezone the subject lands from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) to "D" (Urban Protected Residential, One and Two-Family Dwellings, etc.) District, modified to permit the option of establishing small lot single-family detached dwellings or townhouses.

● Draft Plan of Subdivision

At its meeting held on November 25, 1988 Regional Council granted draft plan approval to the Aquino Gardens Subdivision Plan which provides for 51 small lot single-family dwelling lots (Regional File 25T-88014).

APPLICANT

Adisco Limited, prospective owner.

LOT SIZE AND AREA

An irregular shaped parcel of land which has access via Beaverton Drive, Acadia Drive and Butler Drive, having a lot area of 2.25 ha (5.56 ac.).

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|--------------------------|--|---|
| <u>SUBJECT LANDS</u> | Single-family dwelling | "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District |
| <u>SURROUNDING LANDS</u> | | |
| to the north | Vacant lands and single-family dwellings | "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District |
| to the south | St. Jean De Brebeuf Secondary School | "AA" (Agricultural) District |
| to the east | Vacant lands and single-family dwellings | "AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District and "R-4" - "H" (Small Lot Single-Family Detached) District Holding Zone |

to the west

Hydro power line
corridor and single-
family dwellings.

"AA" (Agricultural)
District, "C" (Urban
Protected Residential,
etc.) District and "D"
(Urban Protected
Residential - One and
Two - Family
Dwellings, Townhouses,
etc.) District

OFFICIAL PLAN

Designated "Residential" on Schedule "A" Land Use Concept Plan of the Official Plan, the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential development on the approved Butler Neighbourhood Plan, the proposal conflicts with the intent of the approved plan. Approval of the application would require redesignation of the subject lands to "Attached Housing".

COMMENTS RECEIVED

- The Building Department has advised that:

"The "D" zoning district does not permit zero lot lines and does not allow for "RT-20" density."
- The Traffic Department, Hamilton Region Conservation Authority and Local Architectural Conservation Advisory Committee staff have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:

"...the construction of public watermains as well as sanitary and storm sewers will be dealt with through the subdivision process and agreement(s).

Specific details regarding the required road widenings will also be dealt with through the conditions of the draft plan of subdivision approval.

From this department's point of view, we have no objection to the zoning application."

COMMENTS

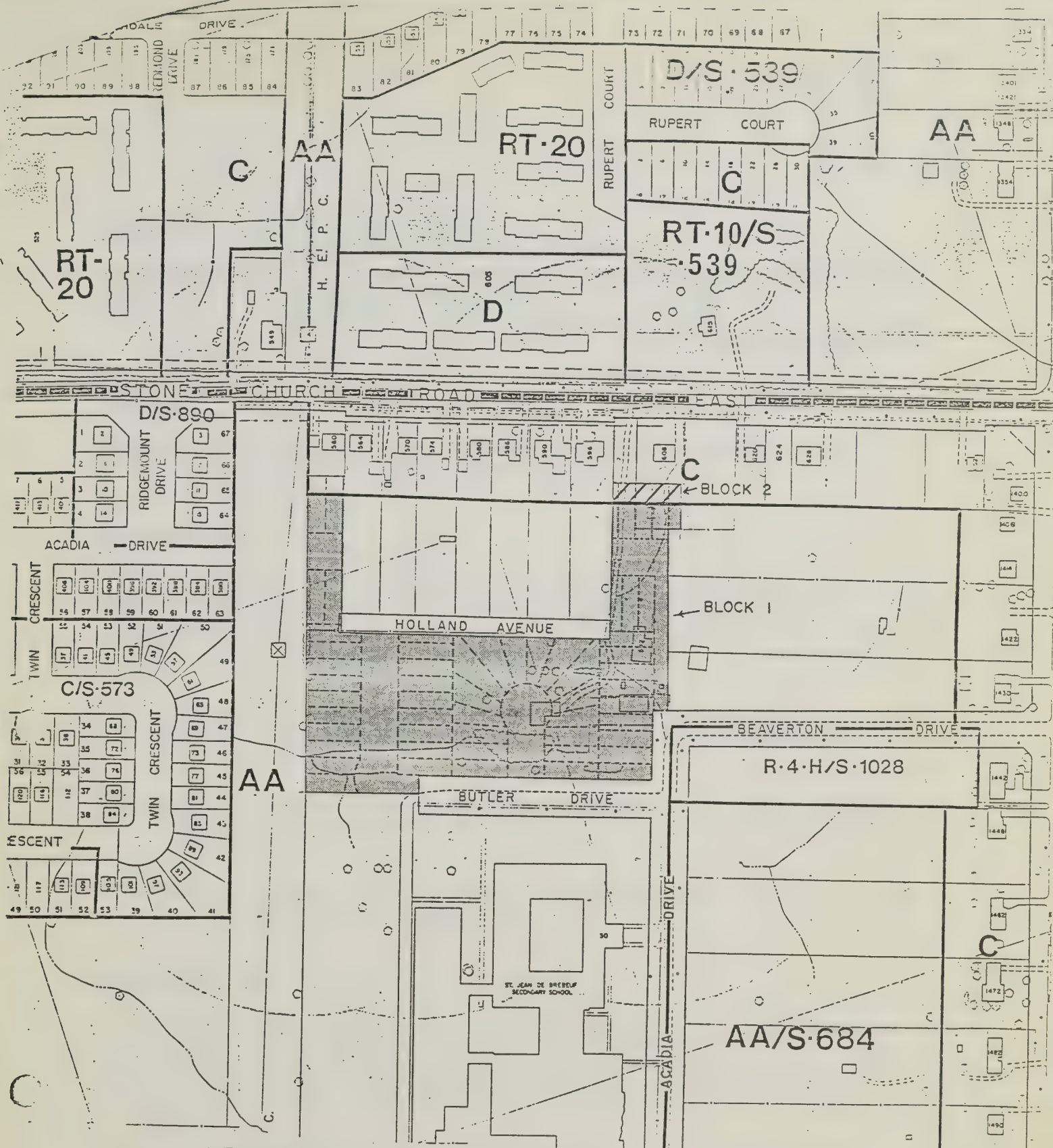
1. The proposal does not conflict with the intent of the Official Plan.

2. The proposal conflicts with the intent of approved Butler Neighbourhood Plan which designates the subject lands for "Single and Double" residential use.
3. The application as submitted cannot be supported for the following reasons:
 - i) The proposal to permit townhouse development conflicts with the intent of the approved Butler Neighbourhood Plan;
 - ii) The proposal to introduce Townhouse development at this location in the interior of the Butler Neighbourhood conflicts with established planning practices, and represents a use which would be incompatible and out of character with existing and future intended development in the surrounding area;
 - iii) Approval of the application would establish an undesirable precedent and set the stage for future similar applications to permit townhouse development within areas designated for "Single and Double" residential development;
 - iv) On November 25, 1988 Regional Council gave draft approval to a plan of subdivision (Aquino Gardens) which provides for a total of 51 small lot single-family dwellings on the subject lands.
4. Consideration can be given to an amended zoning application to establish a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2") for the following reasons:
 - i) it complies with the Official Plan;
 - ii) it implements the intent of the approved Butler Neighbourhood which provides for "Single and Double" residential development;
 - iii) it implements the intent of the draft approved plan of subdivision Aquino Gardens which proposes a total of 51 small lot single-family detached dwelling lots;
 - iv) it would be compatible with existing and proposed development in this area comprising single-family dwellings and small lot single-family dwellings.

CONCLUSION

On the basis of the foregoing, the application as submitted should be denied. However, consideration can be given to the approval of an amended application to provide for a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District.

G.A.W.:nd/ma
W.P. DOC. 0136P



LEGEND

BLOCK 1

BLOCK 2



SITE OF THE APPLICATION



FOR ACTION

15.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 April 28
COMM FILE:
DEPT. FILE: ZA-89-08
GOURLEY NEIGHBOURHOOD

SUBJECT:

Request for a change in zoning - lands located on the north side of Stone Church Road West in the area east of Garth Street.

RECOMMENDATION

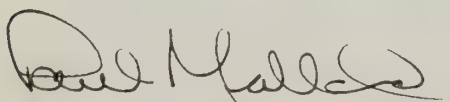
That approval be given to Zoning Application 89-08, Starward Homes Limited, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located on the north side of Stone Church Road West in the area east of Garth Street, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:

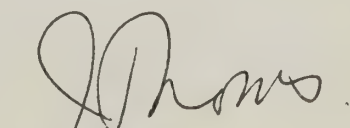
- i) That the lands described as Blocks "1" and "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-17C for presentation to City Council;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located on the north side of Stone Church Road West in the area east of Garth street, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the creation of nine lots for single-family detached dwellings.


J. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

o Proposal

It is the application's intention to establish the appropriate zoning to permit nine building lots for single-family dwellings.

o Land Severance Applications

At its meeting held on January 3, 1989, the Regional Land Division Committee considered and approved land severance applications H-1-89 to H-9-89 to convey nine 13.05 m X 36 m vacant parcels of land, and to retain a vacant 9.507 ha parcel of land to be developed for future residential purposes in accordance with a plan of subdivision. As a condition of approval of the application, the applicant is required to receive final approval of a by-law rezoning the lands to the appropriate zoning category.

APPLICANT

Starward Homes Limited, owner.

LOT SIZE AND AREA

- Block "1" -
- o 91.35 m (299.7 ft.) of lot frontage on Stone Church Road West;
 - o 36.0 m (118.11 ft.) of lot depth; and,
 - o 3,288.6 m² of lot area.
- Block "2" -
- o 26.07 m (85.53 ft.) of lot frontage on Stone Church Road West;
 - o 36.0 m (118.11 ft.) of lot depth; and,
 - o 938.5 m² (10,101.9 sq. ft.) of lot area.

LAND USE AND ZONING

| | <u>Subject Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|-----------------------------------|--|
| <u>Subject Lands</u> | Vacant | "AA" (Agricultural)
District |
| <u>Surrounding Lands</u> | | |
| to the north | Farm dwelling and
vacant lands | "AA" (Agricultural)
District |
| to the south | Single-family
dwellings | "AA" (Agricultural)
District |
| To the east | Single-family
dwellings | "AA" (Agricultural)
District |
| To the west | Single-family
dwellings | "B" (Suburban Agricultural
and Residential, etc.)
District and "AA"
(Agricultural) District |

OFFICIAL PLAN

Designated "Residential" on Schedule "A" - Land Use Concept of the Official Plan, the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential development on the approved Gourley Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

o The Building Department, Traffic Department, Hamilton Region Conservation Authority, Local Architectural Conservation Advisory Committee Staff have no comments of objections.

o The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains and separate storm and sanitary sewers are available to service the subject land.

All servicing matters and other concerns will be dealt with through an appropriate Subdivision Agreement. The applicant has also submitted Land Severance Application H-1-89 to H-9-89 in conjunction with the above."

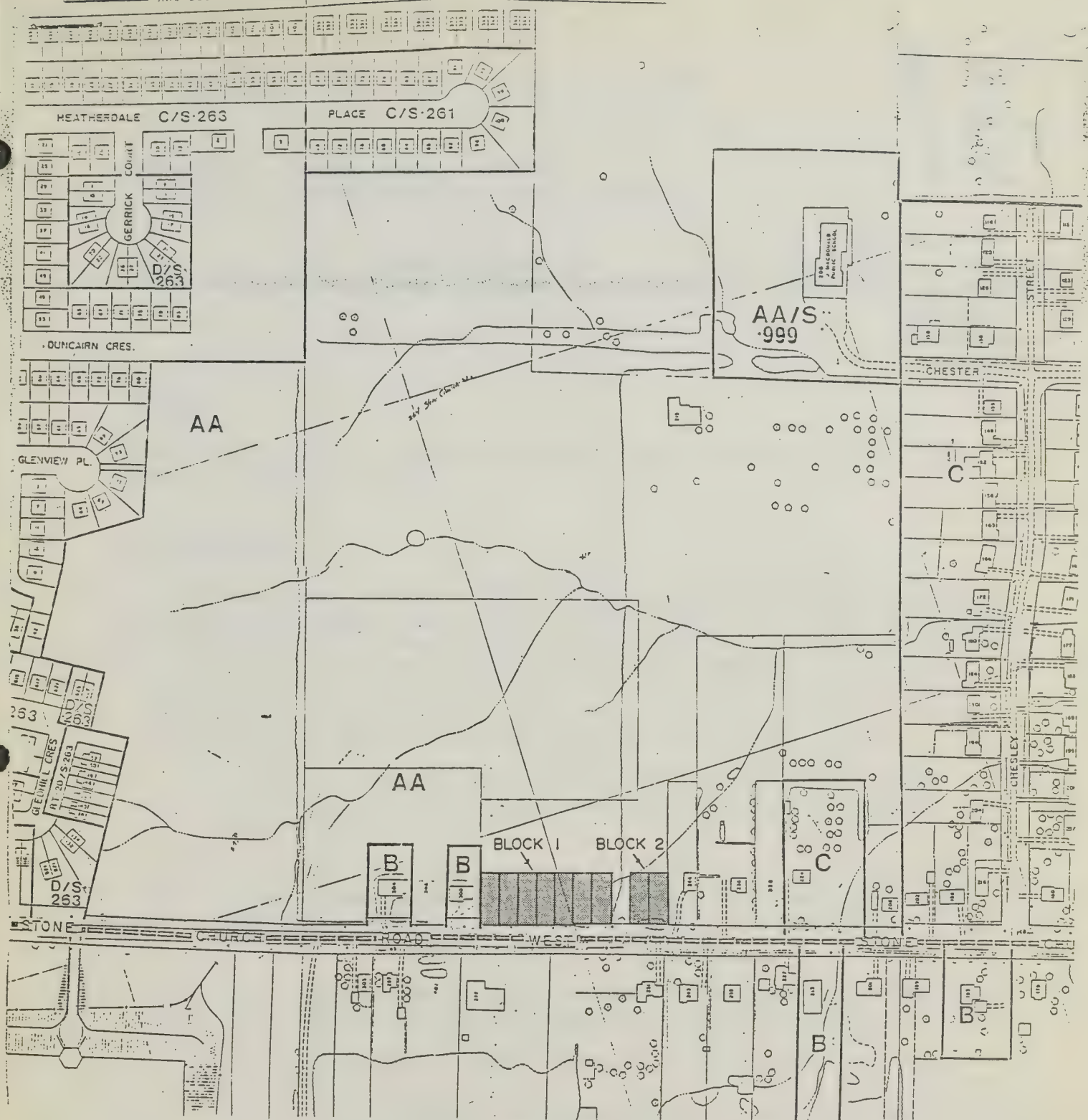
COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Gourley Neighbourhood Plan.
3. The application has merit and can be supported for the following reasons:
 - o it implements the intent of the Official Plan and the approved Gourley Neighbourhood Plan which designate the lands "RESIDENTIAL" and "SINGLE AND DOUBLE RESIDENTIAL", respectively;
 - o it would be compatible with existing and proposed development in the area comprising single-family development;
 - o it represents an "infill" situation and would not interfere with the orderly development of the neighbourhood;
 - o the proposed lots meet the minimum lot width and lot area requirements of the requested "C" District zoning; and
 - o it implements the condition of approval of the Regional Land Division Committee.

CONCLUSION

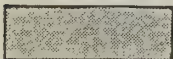
On the basis of the foregoing, the application can be supported.

GAW:CS/ma
0019P



LEGEND

BLOCKS 1 & 2



SITES OF THE APPLICATION

ZA89-08

F O R A C T I O N

16.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 May 3
COMM FILE:
DEPT. FILE: ZA-89-20
 Bruleville
 Neighbourhood

SUBJECT:

Request to establish a change and modification in zoning - No. 836 Upper Wentworth Street.

RECOMMENDATION

1. That approval be given to Zoning Application 89-20, Barbara Pinto M.D., prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified (Block "1"), and for a modification to the established "C" (Urban Protected Residential, etc.) District regulations (Block "2"), for property located at No. 836 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - ii) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands described as Blocks "1" and "2", be modified to include the following variances as special requirements:
 - a) Notwithstanding the provisions of Section 9.(1) of By-law No. 6593, the following commercial uses shall be permitted:
 - i) a medical office within the existing building; and,
 - ii) an unlighted name plate having an area of not more than 0.2 square metres attached to and, as nearly as practicable, flush with the wall of the dwelling;
 - b) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained across the entire westerly rear lot line, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained within the required 3.0 m wide landscaped strip.

- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Map E-18 be notated S- ;
 - iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18 for presentation to City Council;
 - v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- 2. That Schedule "B" to By-law No. 79-275, as amended by By-law No. 87-223, respecting Site Plan Control be amended by adding the subject lands thereto.
 - 3. That the amending By-law not be passed by Council until the applicant has applied for and received Site Plan Approval.

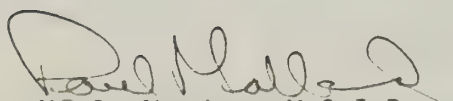
EXPLANATORY NOTE

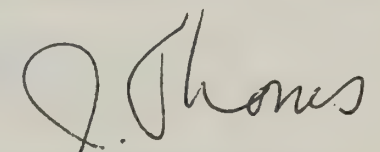
The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1"), and for modifications to the "C" (Urban Protected Residential, etc.) District regulations (Blocks "1" and "2"), for property located at No. 836 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the conversion of the existing single-family dwelling to a medical office use.

In addition, the By-law provides for the following variances as special requirements:

- to permit an unlighted name plate having an area of not more than 0.2 square metres attached to and, as nearly as practicable, flush with the wall of the dwelling;
- to require a landscaped planting strip not less than 3.0 m wide across the entire rear yard of the property, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained along and within the required 3.0 m wide landscaped strip.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

It is the applicant's intention to convert the existing single-family dwelling located at No. 836 Upper Wentworth Street to a medical office use. The office would cater to her patients residing on the mountain, who have difficulty getting to and finding parking at the applicant's current office at No. 25 Charlton Avenue East in the lower city. Off-street parking can be provided in the rear yard of the site in question.

APPLICANT

Barbara Pinto M.D., prospective owner.

LOT SIZE AND AREA

- 15.24 m (50.0 ft.) of lot frontage on Upper Wentworth Street;
- approximately 35.96 m (118.0 ft.) of lot depth; and,
- approximately 548.11 m² (5,900 sq.ft.) of lot area.

LAND USE AND ZONING

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|---|--|
| <u>Subject Lands</u> | a one storey
single-family
dwelling | "AA" (Agricultural) District
and "C" (Urban Protected
Residential, etc.) District |
| <u>Surrounding Lands</u> | | |
| to the north | single-family
dwellings and
vacant land | "AA" (Agricultural) District
and "C" (Urban Protected
Residential, etc.) District |
| to the south | single-family
dwellings and
vacant land | "AA" (Agricultural) District
and "C" (Urban Protected
Residential, etc.) District |
| to the east | vacant land | "AA" (Agricultural) District
and "HH" (Restricted Community
Shopping and Commercial)
District modified |
| to the west | vacant | "C" (Urban Protected
Residential, etc.) District and
"D" (Urban Protected
Residential - One and Two
Family Dwellings, Townhouse,
etc.) District |

OFFICIAL PLAN

Designated "Residential" on Schedule "A" - Land Use Concept Plan of the Official Plan and subject to, among others, the following policies:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to locating of similar densities of development together.
- A.2.1.5 Notwithstanding the above, a medical practitioner's office may be permitted without the necessity of an amendment to this plan subject to the satisfaction of Council that the proposed office:
- i) Is situated on a major road;
 - ii) Is appropriately located with respect to adjacent RESIDENTIAL USES;
 - iii) Will provide an acceptable amount of on-site parking; and,
 - iv) Will otherwise not detract from the character of the RESIDENTIAL area.
- A.2.1.6 Where compatible uses are permitted, to preserve the amenities of and support RESIDENTIAL USES in the area, new development will, subject to the Zoning By-law:
- i) Be required to be provided with adequate yards, off-street parking and loading, landscaping, screening, buffering or other such measures as determined by Council; and,
 - ii) Not provide outside storage or engage in any use of land in a manner having a detrimental impact on the adjacent RESIDENTIAL USES."

The proposed medical office is a permitted use within the "RESIDENTIAL" designation, and complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "COMMERCIAL-RESIDENTIAL CONSERVATION" on the approved Bruleville Neighbourhood Plan, the proposal complies. In addition, the neighbourhood plan requires a 3.0 m wide landscaped planting strip across the rear of the properties designated for "COMMERCIAL-RESIDENTIAL CONSERVATION".

COMMENTS RECEIVED

- o The Building Department has advised that:

"1. Neither the "AA" or "C" zoning district permit doctor's offices.

2. If this is being permitted as a "home occupation", then no employees are permitted and the doctor must live there, which she doesn't at the present time.

3. Five parking spaces are required in the rear yard and if a residential unit is in the building, then six parking spaces are required. At the present time, only one loading space is provided.
4. If the basement or second floor is used for any condition related to the medical offices, then additional parking will be required".

- The Traffic Department has advised that:

- "1. We have no objection to the proposed use.

- 2. The Zoning By-law requires a doctor's office to supply 1 parking space per 19 square metres of floor area. We suggest that the carport and frame shed be removed to allow access to the rear of the property where this required parking could be accommodated.

- 3. The applicant should be advised that access will be restricted to right-turn in/right-turn out only due to the raised centre median".

- The Hamilton-Wentworth Engineering Department

No comment received to date.

- The Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.

COMMENTS

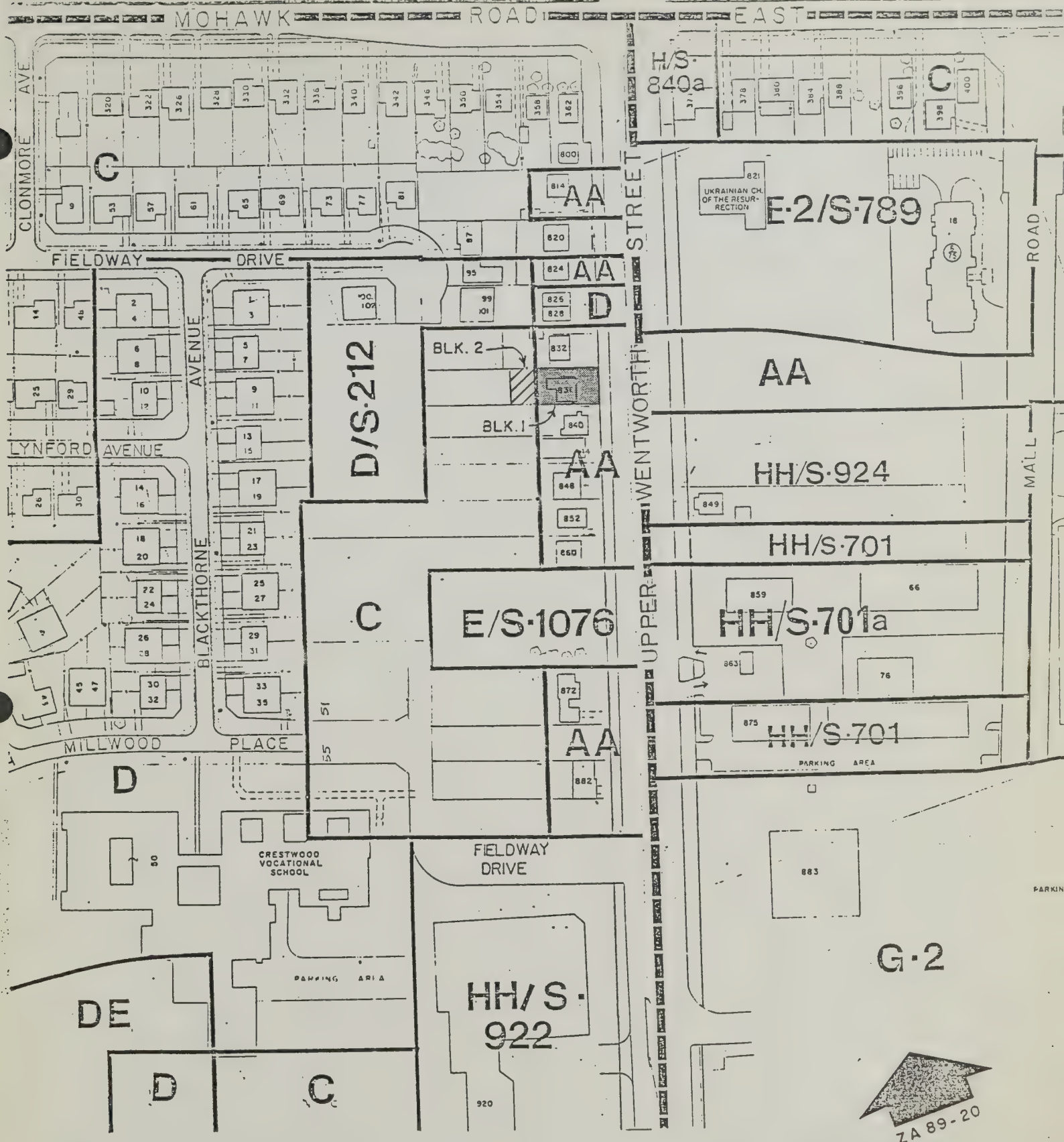
1. The proposal would not conflict with the intent of the Official Plan.
2. The proposal complies with the intent of the approved "Bruleville Neighbourhood Plan".
3. The application has merit and can be supported for the following reasons:
 - it implements the provisions of policy A.2.1.5 of the Official Plan respecting the location of medical offices within RESIDENTIALLY designated areas;
 - it implements the intent of the Bruleville Neighbourhood, in that it involves the conversion of an existing dwelling to a professional office which has less than 1000 square feet of gross floor area;
 - it is suitably located on the periphery of the Bruleville Neighbourhood on a busy arterial road (Upper Wentworth Street), and across the road from commercially designated lands, most of which are zoned "HH" (Restricted Community Shopping and Commercial) District;
 - it would be compatible with existing and future development contemplated in this area.

4. In keeping with the design requirements of the approved Bruleville Neighbourhood Plan, a minimum 3.0 m wide landscaped planting strip should be provided across the rear of the property. Furthermore, it would be appropriate to require a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, to be provided and maintained within the required 3.0 m wide landscaped planting strip, thereby further mitigating any potential spill-over effects on future adjoining residential development.
5. To further regulate development of the site, it is suggested that the subject lands be placed under Site Plan Control, thereby allowing for the review of access, parking, drainage, fencing, lighting, etc. In this regard, the amending By-law should be held in abeyance pending the approval of a Site Plan.
6. The applicant should be aware that access to and from the site will be restricted to only right turns in and right turns out, due to the raised centre median.



CONCLUSION

On the basis of the foregoing, the application can be supported.

GW/ma/cs
WP0420P



LEGEND

- BLOCK 1  CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT, MODIFIED.
- BLOCK 2  MODIFICATION TO THE "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.

F O R A C T I O N

17.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 May 03
COMM FILE:
DEPT. FILE: ZA-89-24
 Stipely
 Neighbourhood

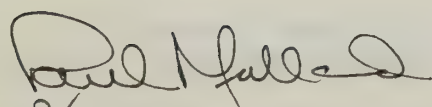
SUBJECT:

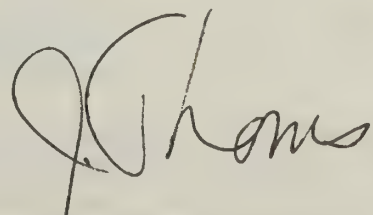
Request for a modification to the established zoning - No. 21 Lottridge Street.

RECOMMENDATION

That Zoning Application 89-24, Maria and Labros Spandonidis, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations to permit the conversion of an existing two-family dwelling to a three-family dwelling, for property located at No. 21 Lottridge Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) it represents an intrusion of a three-family dwelling into an area occupied primarily by one and two-family dwellings;
- ii) it represents an over-intensification of use, in that the property does not meet the minimum lot area requirement for a converted dwelling. The minimum lot area requirement is 270.0 m² (2,906.26 sq. ft.), whereas the property only has 173.11 m² (1,863.45 sq. ft.) of lot area. Furthermore, the proposed three dwelling units which range in floor area from approximately 35.58 m² (382.96 sq. ft.) to a maximum of 52.69 m² (567.15 sq. ft.), do not provide the minimum 65.0 m² (699.65 sq. ft.) of floor area for a "Class A Dwelling Unit";
- iii) the cubic contents of the second floor of the dwelling were enlarged to facilitate conversion contrary to Section 19(ii) of Zoning By-law No. 6593;
- iv) approval of the application would establish an undesirable precedent and set the stage for other land owners to convert their dwellings; and,
- v) adequate parking cannot be provided for the proposed use. In this regard, no off-street parking is available for the current use, whereas a total of 4 off-street parking spaces are required for the proposed three-family dwelling.


J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicants intention to convert the existing two-family dwelling to a three family dwelling. The applicant has advised that the three proposed dwelling units have floor areas ranging from 35.58 m² (382.96 sq. ft.) to a maximum of 52.69 m² (567.15 sq. ft.).

During January of this year, the Building Department issued an Order to Comply with respect to the construction of a building addition without obtaining the necessary building permit.

Upon checking with the Regional Assessment Office it was noted that the applicants purchased the property during September of 1988.

APPLICANT

Maria and Labros Spandonidis, owners.

LOT SIZE AND AREA

- 8.13 m (26.67 ft.) of lot width;
- 21.23 m (69.86 ft.) of lot depth; and,
- 173.11 m² (1,863.45 sq.ft.) of lot area.

LAND USE AND ZONING

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|---|---|
| <u>Subject Lands</u> | 2 1/2 storey
two-family dwelling | "C" (Urban Protected
Residential, etc.) District |
| <u>Surrounding Lands</u> | | |
| to the north | single-family and
two family dwellings | "C" (Urban Protected
Residential, etc.) District |
| to the south | two and three
family dwellings | "C" (Urban Protected
Residential, etc.) District |
| to the east | single-family
dwellings and a
two-family dwelling | "C" (Urban Protected
Residential, etc.) District |
| to the west | single-family,
two-family and
three-family
dwellings | "C" (Urban Protected
Residential, etc.) District |

OFFICIAL PLAN

Designated "Residential" on Schedule "A" Land Use Concept Plan of the Official Plan, the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "SINGLE AND DOUBLE RESIDENTIAL and ATTACHED HOUSING" on the approved Stipley Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department has advised that:
 - "1. The existing zoning does not permit a converted dwelling containing three dwelling units.
 2. The existing building is a legally established non-conforming use provided that it has been used continuously as a two-family dwelling from prior to July 25, 1950 to the present time.
 3. The subject property does not conform to Section 19 of Zoning By-law 6593.
 4. A converted three-family dwelling requires a lot area of 270 m², a floor area of 65 m² for each unit, and four parking spaces on the lot".
- The Traffic Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee staff have no comments or objections.
- The Hamilton-Wentworth Engineering Department:

No comments received to date.

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Stipley Neighbourhood Plan.
3. The proposal to convert the existing dwelling to a three family dwelling cannot be supported for the following reasons:
 - i) it represents an intrusion of a three-family dwelling into an area occupied primarily by one and two-family dwellings;
 - ii) approval of the application would establish an undesirable precedent and set the stage for other land owners to convert their dwellings;

- iii) it represents an over-intensification of use, in that the property does not meet the minimum lot area requirement for a converted dwelling. The minimum lot area requirement is 270.0 m² (2,906.26 sq. ft.), whereas the property only has 173.11 m² (1,863.45 sq. ft.) of lot area. Furthermore, the applicant has advised that the proposed three dwelling units range in floor area from approximately 35.58 m² (382.96 sq. ft.) to a maximum of 52.69 m² (567.15 sq. ft.), whereas a minimum of 65.0 m² (699.65 sq. ft.) of floor area for a "Class A Dwelling Unit" is required;
- iv) the cubic content of the second floor of the dwelling was enlarged to facilitate conversion contrary to Section 19(ii) of Zoning By-law No. 6593; and,
- v) no off-street parking is available for the current use, whereas a total of 4 off-street parking spaces are required for the proposed three-family dwelling.

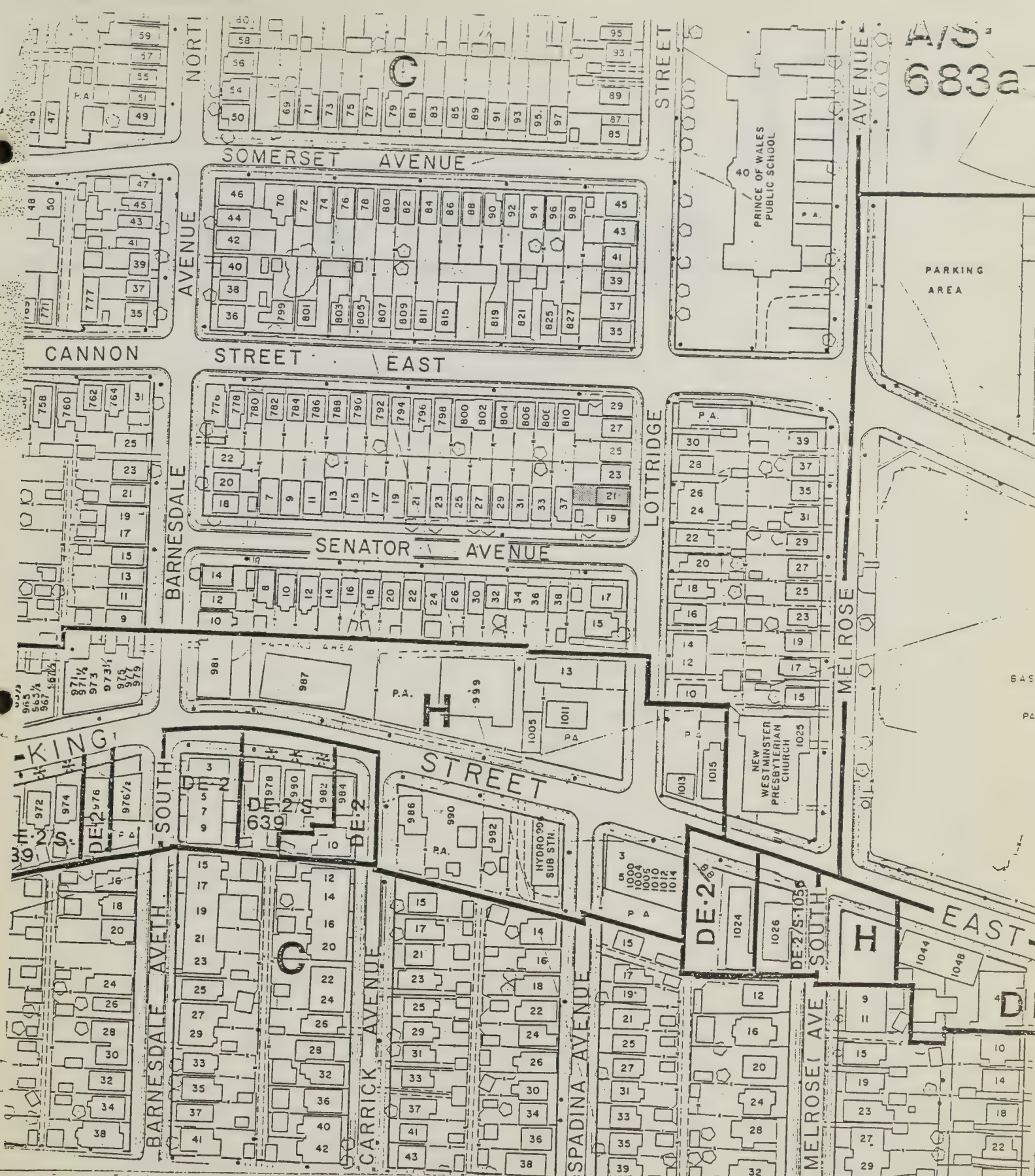
CONCLUSION

On the basis of the foregoing, the application cannot be supported.

GAW:ma/dkp

WP0420P

A/S
683a



Legend



Site of the Application



APPENDIX A



Sirs.

APR 26 1989

A larger tax base & a lack of affordable housing is no excuse for creating a overcrowded & possible future slum area in the older parts of Hamilton. Absent landlords seem to have no sense of civic pride, as you can well see with a tour of this area. It is already inundated with two & three family homes (possibly some rooming houses) whether official or not.

Posing (which is nil) is also another very important consideration

Yours
Lawrence Hall

17b.

Planning Dept.
City Hall, Hamilton.

25 Lottbridge
April 27/89

Dear Sirs -

I very strongly oppose the
changing of the zoning law as
we had some experience last
summer with tenants who
were very noisy day and night,
parties, and bottles being thrown
on lawns and absolutely no regard
for anyone.

The houses are only three ft.
apart and no driveway so there
is not enough space on the street
for the people who are here now
to park.

As there are three houses
side by side on this block
which if the law is changed
will have three floors of not

Four some have the basements newly
renovated recently tell me where
are they going to park their
cars as well there will be
far too many people in a small
area.

We have lived here for over
twenty years and it has generally
been a beautiful ~~low~~ neighborhood
if the law is changed I
would like for you to drive
by some evening this summer
and see if you would like
to move from your quiet
street to Lattridge.

Again I say, I hope there
are enough people on this
street to oppose the change in
the zoning law as we do.

yours truly,
Elbridge Pond

F O R A C T I O N

18.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 May 3
COMM FILE:
DEPT. FILE: ZA-88-121
 HANNON NORTH
 NEIGHBOURHOOD

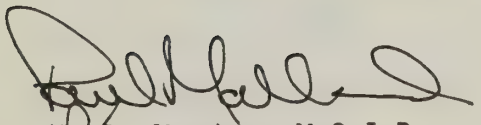
SUBJECT:

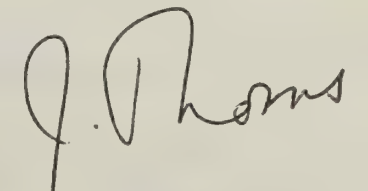
Request for a modification to the established zoning - 60 and 76 Harlowe Road.

RECOMMENDATION

That Amended Zoning Application 88-121, Arm-Onn Properties Limited, owner, requesting a modification to the established "M-13" (Prestige Industrial) District regulations to permit, in addition to the uses allowed in the "M-13" District, uses that are allowed in the "M-14" District and to delete the required minimum 13.5 m wide landscaped area for property located at No. 60 and 76 Harlowe Road, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) It is contrary to the intent of the Official Plan and the Mountain Industrial Area Plan;
- ii) There are other locations in the Mountain Industrial Area where the proposed industrial uses could be more appropriately located;
- iii) Approval of the proposal could encourage similar applications from other properties along Harlowe Road which, if approved, would change the character of the area and may adversely affect the future use of the Mount Albion Conservation Area; and,
- iv) The proposed uses are not considered to be compatible or in character with the established and proposed development in the area, especially the adjoining Mount Albion Conservation Area.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

It is the applicant's intention to modify the established "M-13" (Prestige Industrial) District regulations to permit all the uses allowed in the "M-14" (Prestige Industrial) District, in addition to those already permitted in the "M-13" District. In effect, this will provide a greater range of uses on the subject lands. The applicant has also submitted a preferred list of uses which not only include uses normally permitted in the "M-13" and "M-14" District, but also the heavier industrial uses that are permitted in the "M-15" District.

APPLICANT

Arm-Orn Properties Limited, owner.

LOT SIZE AND AREA

A rectangular shaped parcel of land having approximately:

- 79.5 m (260.83 ft.) of lot frontage on Harlowe Road;
- 83.51 m (274.00 ft.) of lot depth; and,
- 0.66 ha (1.64 acres) of lot area.

LAND USE AND ZONING

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|--------------------------|--|
| <u>Subject Lands</u> | Vacant | "M-13" (Prestige Industrial) District |
| <u>Surrounding Lands</u> | | |
| to the north | Vacant | "M-14" (Prestige Industrial) District |
| to the south | Open Space | "A" (Conservation, Open Space, Park and Recreation) District |
| to the east | Vacant | "M-13" (Prestige Industrial) District and "A" (Conservation, Open Space, Park and Recreation) District |

to the west

Vacant and
open space

"M-13" (Prestige
Industrial)
District and "A"
(Conservation, Open Space,
Park and Recreation)
District

OFFICIAL PLAN

The subject lands are designated "INDUSTRIAL" on Schedule "A" - Land Use Concept of the Official Plan and located within SPECIAL POLICY AREA "11" on Schedule "B". In this regard, the following policy, among others, applies:

- "A.2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial Park."

The proposal does not comply with the intent of the Official Plan and, if approved, would necessitate an Amendment which would establish a new "SPECIAL POLICY AREA" for the subject lands.

NEIGHBOURHOOD PLAN

The subject lands are designated "RESTRICTED INDUSTRIAL - COMMERCIAL" in the Mountain Industrial Area Plan, the proposal does not comply. Therefore, if the application is approved, an Amendment would be required to redesignate the subject lands to "RESTRICTED INDUSTRIAL".

RESULTS OF CIRCULATION

- The following agencies have no comments or concerns:
 - Traffic Department; and,
 - LACAC.
- The Hamilton-Wentworth Engineering Department has advised as follows:

"Please be advised that public watermains and separate storm and sanitary sewers are available to service the subject lands.

No additional road allowance widenings are anticipated at this time.

Any work which occurs within the adjacent road allowance must conform to the City's Streets By-law."

- o The Hamilton Region Conservation Authority has advised as follows:

"The planning staff of the Hamilton Region Conservation Authority has considered the above-noted proposal. The subject lands back onto Conservation Authority property which comprises part of the Mount Albion Conservation Area. These lands are intended to form part of an open space link between the Conservation Area and the Heritage Green Community to the east. The M-13 landscape area requirements were established to protect the open space lands of the Mount Albion Conservation Area and to buffer the adjacent industrial uses. To eliminate or reduce the landscape area requirement would be contrary to the intent of the by-law and would set an undesirable precedent for the mountain industrial area. We therefore recommend refusal of this part of the proposal.

We understand that the M-13 zoning modification is proposed to permit M-14 uses. A number of these uses may be characterized as medium to heavy industry, and therefore, may not be appropriate for the subject lands, especially with abutting open space. We recommend that the applicant be required to specify the desired M-14 uses before this proposal is given further consideration."

In response to the preferred list submitted by the applicant, the Conservation Authority, in a follow-up letter, advised as follows:

"Further to your letter dated January 24, 1989, Authority staff has reviewed the list of proposed uses to be added the M-13 District permitted uses for the subject lands. Of particular concern to Authority staff are items 6231 - Floor Covering Store, and 6221 - Appliances, Television, Radio and Stereo Store. These uses are generally commercial in nature and may require more parking area than intended under the M-13 District.

As well, the following industrial uses may not be appropriate based on exterior storage and parking of equipment and heavy machinery: 4213 - Septic System Installation, 4214 - Excavating and Grading, 4222 - Form Work, 4224 - Concrete Pouring and Finishing, 4227 - Structural Steel Erection, 4231 - Masonry Work.

Except as noted above, we have no objection to the additional uses proposed by the applicant provided that all requirements of the M-13 District can be met."

- o The Building Department has advised as follows:

"It is recommended that specific uses be listed if your Department intends to approve this application. Otherwise, all the commercial uses would be permitted and this would be setting a precedent, which this Department feels inappropriate."

COMMENTS

1. The proposal conflicts with the intent of both the Official Plan and approved Mountain Industrial Area Plan which provides for "INDUSTRIAL" and "RESTRICTED INDUSTRIAL - COMMERCIAL" uses, respectively. The proposal also conflicts with the adjoining Mount Albion Conservation Area which is designated for "Open Space" purposes.
2. The applicant has requested a modification to the "M-13" District which, in effect, would permit all of the uses allowed in the "M-13" and "M-14" Districts. Furthermore, the applicant has also submitted a preferred list of uses which include heavy industrial uses that are permitted in the "M-15" District; (e.g. fabricated metal industries and machine shop industries). In essence, these uses would detract from the character of the area. (i.e. properties on the south side of Harlowe Road) and would not be in keeping with the intent of the "M-13" District.
3. The Mountain Industrial Area Plan incorporates the lands of the Mount Albion Conservation Area. These lands are intended for open space purposes and considered to be an integral component to the Mountain Industrial Area in that, they create a more desirable industrial park-like setting. More specifically, the subject property backs onto the open space corridor which links the Mount Albion Conservation Area to the Heritage Green Community to the east. As such, measures have been taken to safeguard and preclude the open space area from incompatible uses. Virtually all industrial lands which abut the Mount Albion Conservation Area have been zoned "M-13" District to allow only wholesale commercial uses and certain light-industrial uses, (e.g. clothing). Approval of the application would jeopardize the principle behind a "buffer zone" which has provided the basis for the "M-13" District in the area.
4. The proposed "M-14" and "M-15" District uses would allow for an extensive range of medium to heavy industrial type uses (e.g. wood and metal type industries). Such uses are typically, and more appropriately should be located in the interior of the Industrial Park and be physically separated from the Mount Albion Conservation Area. The subject property is located at the periphery of industrially zoned lands in the Mountain Industrial Park and located adjacent to the Conservation Area.
5. The applicant has also requested, the deletion of the required 13.5 m landscaped area at the rear of the subject lands adjoining the Mount Albion Conservation Area. This landscaped area was established to protect and buffer the open space area from future industrial uses. As such, the deletion of this landscaped area would be contrary to the overall intent of the "M-13" Zoning District.

6. The application cannot be supported for the following reasons:

- it would conflict with the intent of both the Official Plan and the approved Mountain Industrial Area Plan;
- there are other locations in the Mountain Industrial Area where the proposed industrial uses could be more appropriately located;
- approval of the proposal could encourage similar applications from other properties along Harlowe Road which, if approved, would change the character of the area and may adversely affect the future use of the Mount Albion Conservation Area; and,
- the proposed uses are not considered to be compatible or in character with the established and proposed development in the area, especially the adjacent Open Space corridor (Mount Albion Conservation Area).

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

HY:CS
0019P

FOR ACTION

19.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 April 19
COMM FILE:
DEPT. FILE: P5-2-21
ZA-88-98
TIFFANY BLOCK

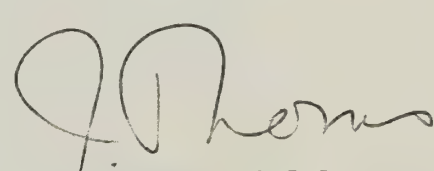
SUBJECT:

Proposed change of Neighbourhood Plan and proposals for Tiffany Block.

RECOMMENDATION

That the Planning and Development Committee invite submissions on the proposed change of neighbourhood plan and proposals for the site of Zoning Application 88-98.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

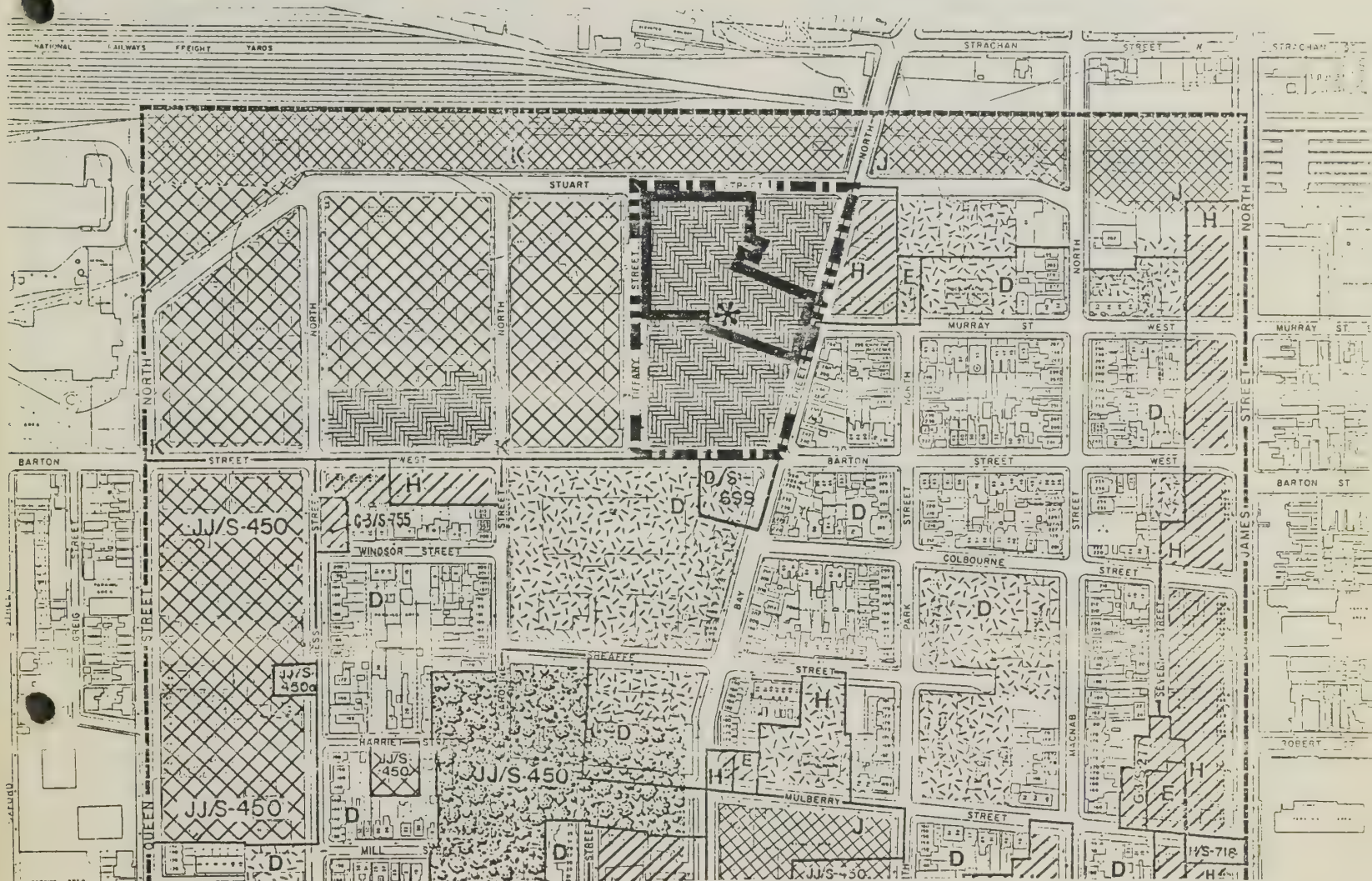
- o Potential owners (Cupido Realty) of land in the Tiffany Block have applied for a change in neighbourhood plan designation from commercial and industrial to medium or low density apartments (see Plan 1). They have also applied for a zoning change from "K" (Heavy Industrial) to "E" (Medium Density Apartments);
- o After circulating the proposal, it was found that there were significant objections (see attached correspondence).
- o At a meeting held in April, 1989, Cupido Realty asked the Department to proceed with a neighbourhood plan amendment. They wished to gain insight into the type of development which is acceptable by May in order to consider their future options. They have drawn up several possible schemes which respond to some of the objections.

- o The Department has therefore invited the general public as well as circulated agencies to an initial meeting to discuss the alternatives.

A final submission report would be brought to the Planning Committee at a later date.

DG:CS
Attach.
0157P

PROPOSED NEIGHBOURHOOD PLAN AMENDMENT TIFFANY BLOCK



NOTE:

**SITE OF ZONING APPLICATION
ZA 88-98**


**PROPOSED CHANGE FROM
COMMERCIAL & INDUSTRIAL
TO MEDIUM OR LOW DENSITY
APARTMENTS (FOR PART)**

*** PROPOSED SPECIAL POLICIES
FOR DEVELOPMENT ON NORTH
AND WEST PERIMETER OF
THE BLOCK**

- ROW FORM OF HOUSING
- ORIENTATION OF UNITS
TOWARDS THE INSIDE OF
THE SITE
- AIR CONDITIONING

LAND USE


RESIDENTIAL

 single, double &
attached housing

 high density apts.
 commercial & apts.

 **COMMERCIAL**

 **INDUSTRIAL**

 **CIVIC & INSTITUTIONAL**

 **PARK & RECREATIONAL**

 **UTILITIES**

 **COMMERCIAL & INDUSTRIAL**

Neighbourhood Boundary
Zoning Boundary
Staging of Development
Boundary

Approvals
Planning Bd. MAR. 1/73 Council JUNE 12/73

| Revisions | |
|---------------|---------------|
| February 1971 | MARCH 9, 1974 |
| June 1971 | MAY 29, 1974 |
| February 1972 | MARCH 1974 |
| December 1972 | JAN. 12, 1975 |
| February 1973 | MAY 1975 |
| July 1973 | |

**CITY OF HAMILTON
PLANNING DEPARTMENT**

**CENTRAL
APPROVED PLAN**



0 50 100 200
SCALE IN FEET

October 28, 1988

V. J. Abraham, M.C.I.P.
 Director of Local Planning
 Regional Municipality of Hamilton-Wentworth
 71 Main Street West
 Hamilton, Ontario
 L8N 3T4

Dear Mr. Abraham:

RE: Zoning Application ZA-88-98

| PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH | | | | |
|---|-------|-------------|------|------|
| File No. | | NOV 02 1988 | | |
| TO | STAFF | INTL | INFO | ACT. |
| D.P. | | | | |
| P.R.A. | | | | |
| NEIGH. | | | | |
| DEV. | | | | |
| E&UD | | | | |
| S | | | | |
| CART. | | | | |
| ADMIN. | | | | |

This office has reviewed the application for a zoning change and have the following comments:

1. This proposed residential development will be immediately across from industrially zoned land. This development may be impacted upon by noise generated from truck traffic and general industrial processes as well as potential odours.
2. Based on the nature of the scrap yard business, this property may be contaminated with oils and grease. We recommend that before the property is sold, an extensive testing program be developed to determine initially whether there is contamination. If soil is found to be contaminated, it shall be handled and disposed of in accordance with Regulation 309.

This study should be done in conjunction with the Ministry of the Environment.

Should you have any questions on this matter, please do not hesitate to contact Mr. Randy Wenzel at this office.

Yours truly,

L. Kergan

L. Kergan
 Environmental Officer
 Hamilton-Wentworth District Office
 West Central Region

LK/sg



Operations
Southern Ontario District
Suite 404
277 Front Street West
Toronto, Ontario
M5V 2X7

PS-2-21

7 December 1988

Your File: ZA 88-98

Our File: 4500-H-08

Regional Municipality of Hamilton - Wentworth
Planning & Development Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: Mr. V. J. Abraham. Director of Local Planning

Dear Sir

Re: Tiffany Block Neighbourhood Plan Amendment

We acknowledge receipt of your notice of 18 November 1988 regarding the above-captioned proposal.

By this letter we wish to maintain our objection to this amendment.

Kindly keep this office advised of any further developments and public notices.

Yours truly

J. C. Walsh, P. Eng.
For: G. B. Harrison, P. Eng.
Technical Support Engineer

JCW/T3172

cc: Mr. E. A. Simpson
City Clerk
City of Hamilton
City Hall
Hamilton, Ontario
L8N 3T4

| PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH | | | |
|---|--|------------|-----------|
| TO | | STAFF UNIT | INFO ACT. |
| DIR. | | | |
| SR & A | | | |
| DESIGN | | | |
| DEV. | | | |
| PLANNING | | | |
| STAFF | | | |
| ADMIN. | | | |

DEC 13 1988

JCW

GW/SH

DG/PA



Operations Services
Southern Ontario District
Suite 404
277 Front Street West
Toronto, Ontario
M5V 2X7

23 November 1988

Your File: ZA-88-98

Our File: 4500-H-08

| PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH | | | |
|---|-------|-------|------|
| NOV 28 1988 | | | |
| | STAFF | INIT. | INFO |
| DIR. | | | |
| ASST. DIR. | | | |
| PLANNING | | | |
| DESIGN | | | |
| ENVIRONMENTAL | | | |
| RECORDS | | | |
| TRAINING | | | |
| ADMIN. | | | |

Regional Municipality of Hamilton-Wentworth
Planning & Development Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: Mr. V. J. Abraham
Director Local Planning

Dear Sir

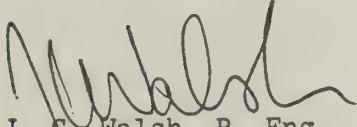
Re: Proposed Zoning Amendment Application ZA-88-98

Further to our letter of 3 November 1988, the Railway objects to the proposed residential development in such close proximity to our Oakville Subdivision and Stuart Street Yard.

Residential uses, as proposed, are clearly not compatible with the nature of our operations which are on a continuous 24-hour basis. Primarily, due to the noise, vibration, fumes and safety aspects of our operations, we must oppose the subject application.

Should you have any further questions, please contact the undersigned at 860-2618.

Yours truly


J. C. Walsh, P. Eng.
For: G. B. Harrison, P. Eng.
Technical Support Engineer

JCW/T17872



1120 Finch Avenue West
Toronto (Downsview), Ontario
Canada
M3J 3J8

GO Transit

(416) 665-9211 Fax (416) 665-9006

9 December 1988

The Regional Municipality
of Hamilton-Wentworth
Planning & Development Dept.
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: V.J. Abraham, M.C.I.P.
Director of Local Planning

Dear Sir;

**Subject: Tiffany Block Neighbourhood
Plan Amendment**

This will acknowledge receipt of your letter dated November 18, 1988 wherein you advise you are currently reviewing a zoning application on the above-noted area.

Our Project Development Department recommends that you carry out a noise study to ensure that railway noise does not become an issue in the future. This is a concern that GO Transit feels should be addressed.

Apart from this, GO Transit has no further comments at this time.

Yours truly,

Lori Samson
Realty Services Co-Ordinator
LS/mnf

| PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH | | | | |
|---|-------------------------|-------|-------|------|
| File No. | Received
DEC 16 1988 | | | |
| TO | STAFF | INIT. | INFO. | ACT. |
| GIR. | KA | | | |
| PR & A | | | | |
| NEIGH. | DG | RM | | |
| DEV. | | | | |
| E. & C.D. | | | | |
| TRANS. | | | | |
| CART. | | | | |
| ADMIN. | | | | |

PS-2-21

Corporation of the City of Ha
Memorandum

20.

TO: Mr. V. Abraham
Director of Local Planning
Attention: Mr. J. Sakala

YOUR FILE:

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

OUR FILE:
PHONE:

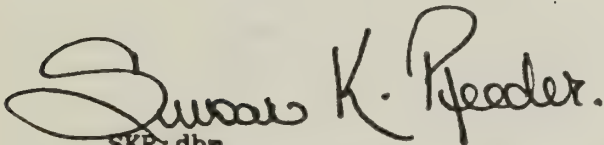
SUBJECT: Site Plan Control Application DA-88-125,
for property at 10 Hempstead Drive.

DATE: 1989 May 4

This will confirm that the Planning and Development Committee at its meeting held Wednesday, 1989 April 26th agreed TO TABLE the above-noted Site Plan Control Application.

As you are aware the associated Zoning Application for this property was approved at that meeting. The Committee had considerable discussion on the appearance of the proposed pylon sign and it was agreed that this matter be tabled in order that a video can be taken of the sign and brought back to the Committee at its next meeting for review.

Accordingly, I will be placing this on the Agenda for the meeting of Wednesday, 1989 May 10th. Would you please ensure that a video of this sign and property is available for the Committee's review.



SKR:dbm

c.c. - Alderman J. Smith, Chairman
Planning and Development Committee

F O R A C T I O N

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT
 COMMITTEE

DATE: 1989 April 18
COMM FILE:
DEPT FILE: DA-88-125
 (DA-88-17)
 Rymal
 Neighbourhood

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

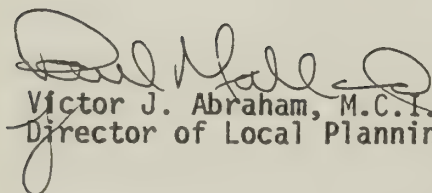
SUBJECT:

Site Plan Control Application DA-88-125 to amend Site Plan Control
Application DA-88-17 to include a pylon sign at 10 Hempstead Drive.

RECOMMENDATION

That Site Plan Control Application DA-88-125 to amend Site Plan Control
Application DA-88-17 by Mr. G. Sebastian, owner of lands known as 10
Hempstead Drive, to include a pylon sign be DENIED for the following
reasons:

- i) the sign is not permitted within the 5.4 m front yard landscape area;
 and
- ii) the pylon sign could be located in a location which complies with
 By-law requirements.


Victor J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND

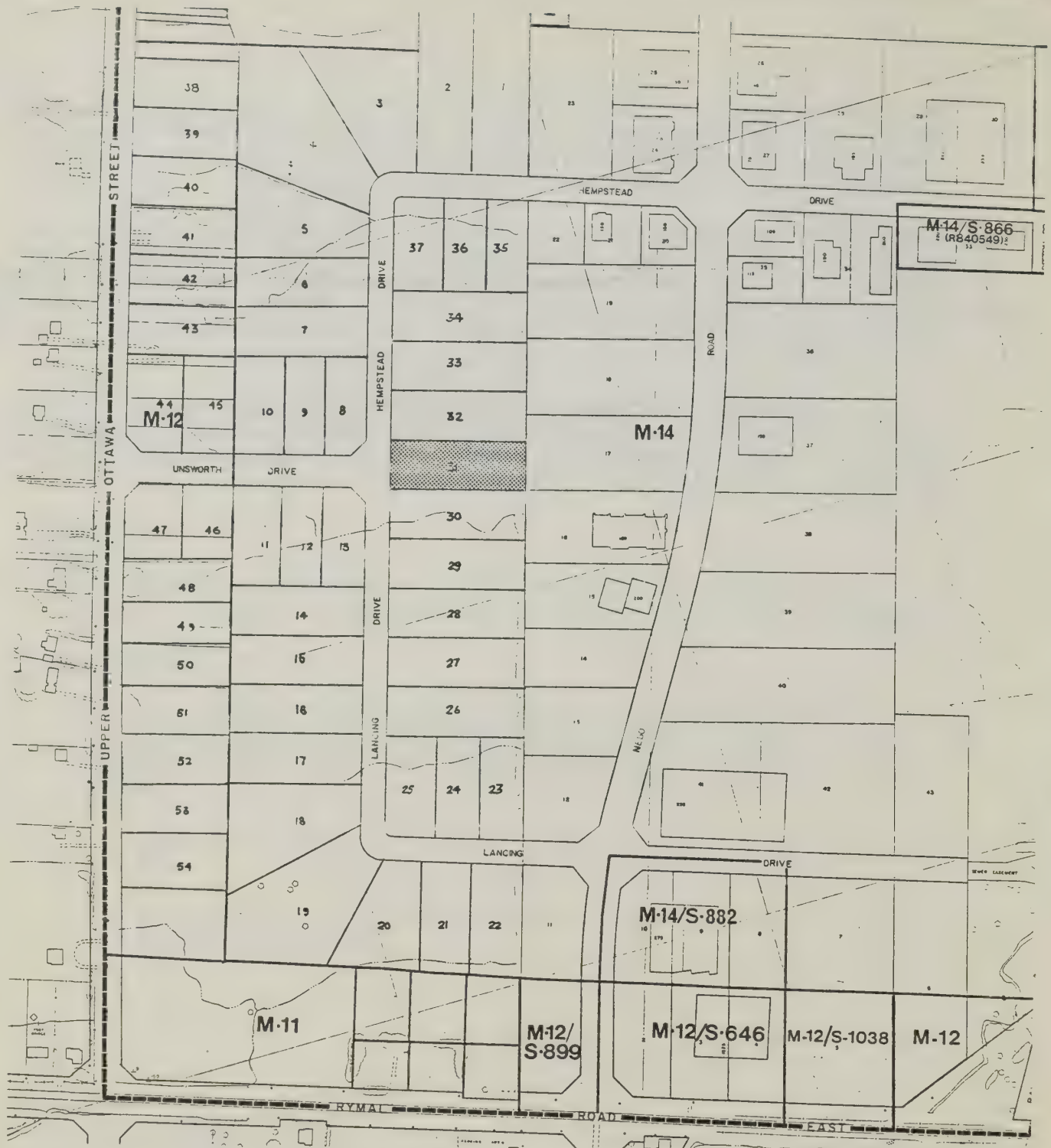
Plans have been submitted to amend Site Plan Control Application DA-88-17 to
include a pylon sign at 10 Hempstead Drive. The pylon sign is proposed to be
located 1.58 m from the front property line.

The Building Department has advised that the By-law requires a 5.4 m minimum setback from the front property line for the pylon sign, instead of the proposed 1.58 m. Furthermore, the total sign area of all signs shall not exceed 40 m² for this development.

The Planning Department notes that the pylon sign could be located in the landscaped island adjacent to the entrance which would comply with By-law requirements. The landscape area which was provided as part of the approved plans of Site Plan Control Application DA-88-17 provides sufficient space and visibility for the pylon sign. Therefore, the Department cannot support the proposed location within 1.58 m of the front property line.

It should be noted that the applicant has constructed the sign in the proposed location 1.58 m from the front property line without a building permit and a site plan control amendment. An "Order to Comply" and subsequent letter from the Building Department has prompted this Site Plan Control Application DA-88-125.

JL/ma
WP0319P



120 RYMAL

City of Hamilton
Plan Showing
Lands Subject to
Site Plan Control
Application DA-88-125

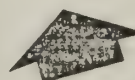
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application

North



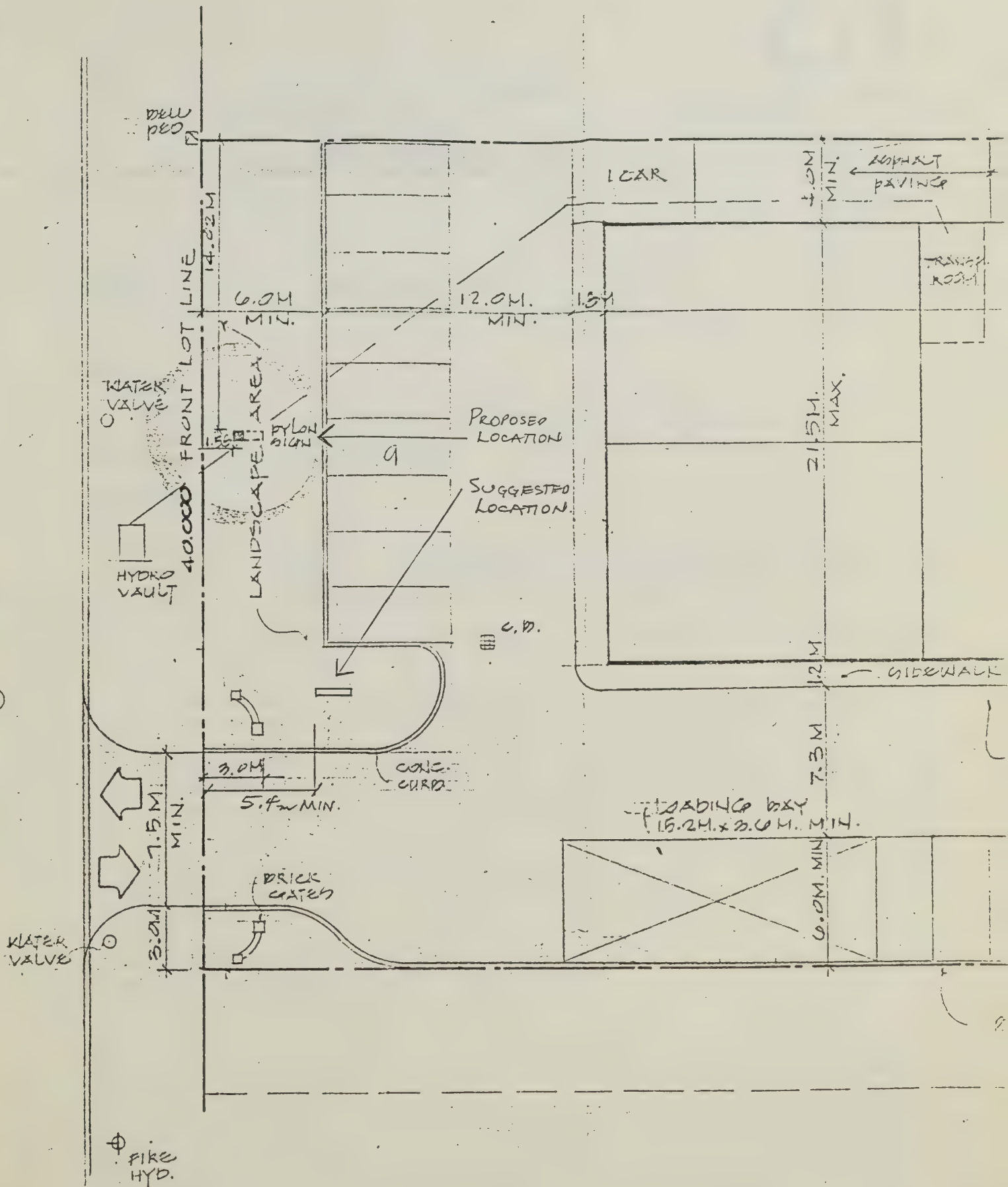
Scale
1:5000

Date
NOV.1988

Reference File No.
DA-88-125

Drawn By
G.G.

HEMPSTAD



FOR ACTION

21.

REPORT TO: ALDERMAN JOHN SMITH, CHAIRMAN
AND ALDERMAN MARY KISS
WARD ALDERMAN OF THE
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1989 February 22
COMM FILE:
DEPT FILE: DA-88-138
Strathcona
Neighbourhood
(DA-88-16
(DA-87-40)
(ZA-87-78)

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

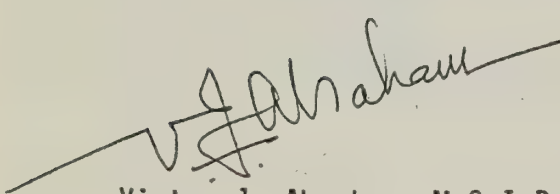
SUBJECT:

Site Plan Control Application DA-88-138 to amend Site Plan Control Applications DA-88-16 and DA-87-40 for a commercial/residential development at 400 York Boulevard.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-88-138 by 591613 Ontario Inc., owners of lands known as 400 York Boulevard for a commercial/residential development subject to the following:

- i) modification to the plans in relation to notes and dimensions, parking as marked in red on the plans.
- ii) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.
- iii) submission of a revised site plan, clarifying the details of the development, to the satisfaction of the Commissioner of the Hamilton-Wentworth Building Department.


Victor J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND

Plans have been submitted to amend Site Plan Control Applications DA-88-16 and DA-87-40 for a commercial/residential development at 400 York Boulevard. The applicant has now purchased the adjacent lot, known as 13 Magill Street and wishes to apply "E" Zoning criteria to permit an additional floor and (7) seven parking spaces to the development at 400 York Blvd.

The Building will now be (4) four storeys high having a gross floor area of 2485.52 m². The development will provide 19 underground parking spaces, 7 above-ground parking spaces and (1) one loading space. Both the parking and loading areas will be accessible from Magill Street. A landscape treatment will also be provided for the development.

Various modifications are required to the plans in relation to notes, dimensions and have been marked in red on the plans.

The Hamilton-Wentworth Engineering Department has advised that the grading plan requires clarification and modification according to their comments. A revised grading plan should therefore be submitted to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.

The Building Department has advised that they require clarification regarding the total gross floor area of the residential portion of the development and also require a detailed breakdown of the landscape areas (2,749 sq.ft. or 230.32 m² minimum). However, the roofed-over front sidewalk cannot be counted as part of this area. A revised site plan clarifying the above-mentioned details of the development should therefore be submitted to the satisfaction of the Commissioner of the Hamilton Building Department.

The Traffic Department has recommended that the applicant investigate other alternatives for the additional parking space in the underground parking area, since the manoeuvring area provided to access space #19 is marginal. Furthermore, they would prefer to have the loading space located north of the access to the parking area. However, this would require extensive alterations to the already constructed part of the building. Therefore, they are prepared to accept the plans submitted with regard to the loading space. The revised location of the parking space should be submitted to the satisfaction of the Traffic Department.

JL/ma
WP0415P

[illegible]

PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-88-138

Drawing No.

FOR ACTION

22.

REPORT TO: ALDERMAN JOHN SMITH, CHAIRMAN
AND WARD ALDERMAN OF THE
PLANNING AND DEVELOPMENT COMMITTEE
FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 April 14
COMM FILE:
DEPT. FILE: DA-89-20
STRATHCONA NEIGHBOURHOOD

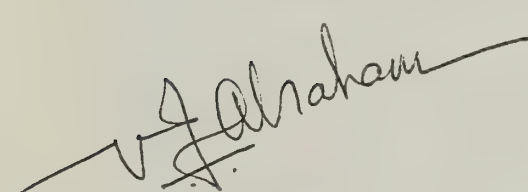
SUBJECT:

Site Plan Control Application DA-89-20 to amend DA-87-94 for a canopy over the disabled entrance area at the rear of the building at 405 York Boulevard.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-89-20 to amend DA-87-94 by Jubilee Consultant Services, Hamilton, owners of lands known as 405 York Boulevard, for a canopy over the disabled entrance area at the rear of the building, subject to the following:

- i) modification to the plan in relation to notes, dimensions and parking spaces as marked in red on the plan;
- ii) approval by the Committee of Adjustment to permit the canopy over the disabled entrance to project 6.6 m maximum into the rear yard, instead of the permitted 1.5 m maximum.


V. J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND

Plans have been submitted to amend Site Plan Control Application DA-87-94 to include a canopy over the disabled entrance area at the rear of the building at 405 York Boulevard.

Except for the addition of this canopy, the Site Plan has not changed from the previously approved plans. The building will have a gross floor area of 4 120 m² (44,347.68 sq. ft.) with 29 parking spaces and (1) one loading space 13.0 m x 3.7 m x 4.3 m provided on the lot. A landscape treatment has been provided along York Boulevard and a passive seating area is located at the north-east corner of Pearl Street and York Boulevard.

Various modifications are required to plan in relation to notes, dimensions and parking spaces and have been marked in red on the plans.

The Hamilton Building Department has advised that the canopy projects more than the permitted 1.5 m maximum into the required rear yard. The applicant will be required to submit an application to the Committee of Adjustment for approval of the proposed variance. Also, the required loading space is located under the proposed canopy, therefore, there shall be a minimum 4.3 m clear height. It should also be noted that the entire area of the required parking spaces shall be paved and level. This means no portion of the parking space shall be raised. The Site Plan should be revised to show a level 6.0 m x 2.7 m minimum parking space.

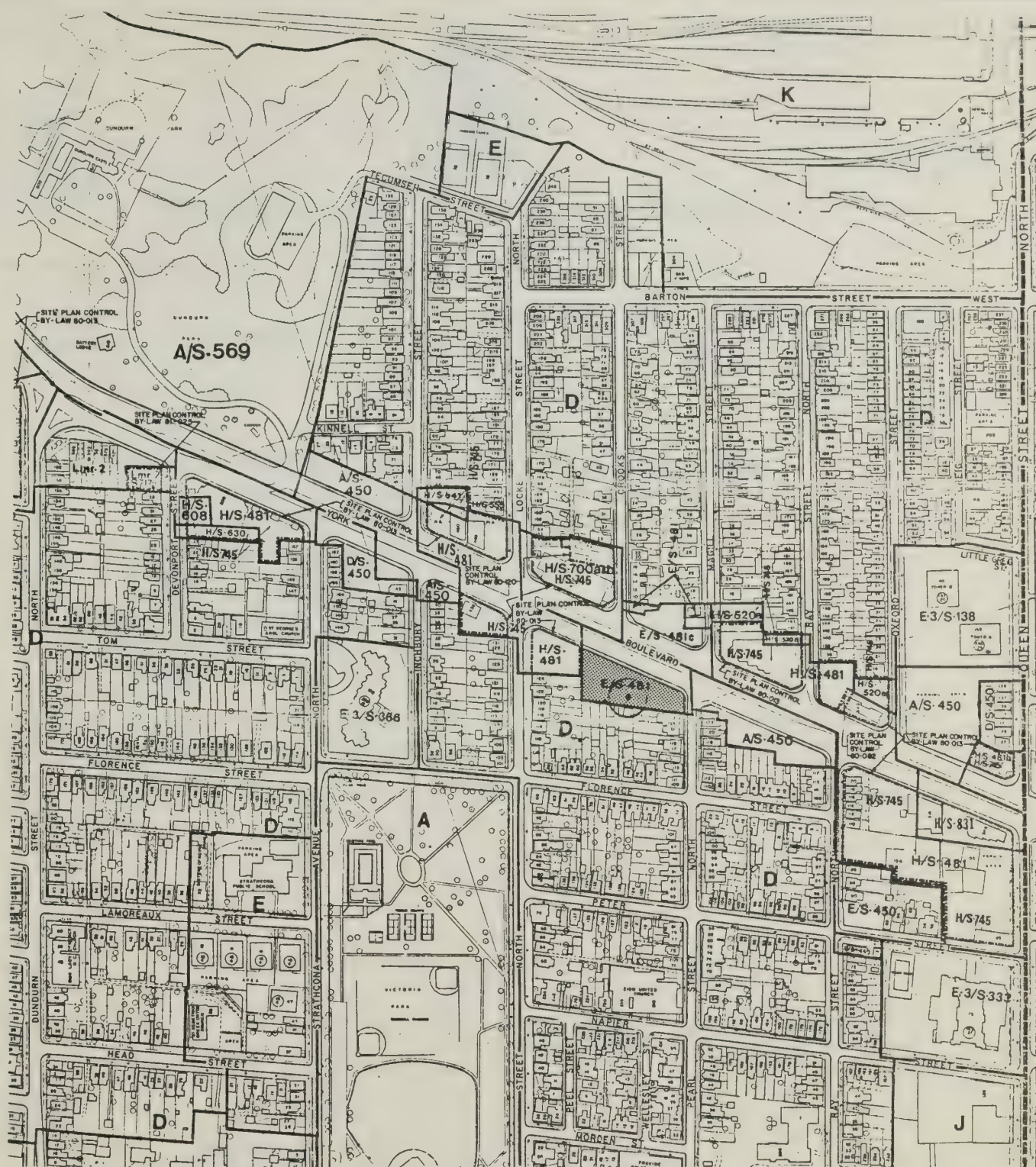
The Planning and Development Department has reviewed the plan submitted and the various department comments and forwards the following comment:

The applicant has requested a variance to permit a canopy over a portion of the rear loading area to allow suitable use of the building's access during inclement weather by the wheelchair residents using DART vehicles. Since a variance to permit the canopy to project 6.6 m into the rear yard instead of the 1.5 m maximum would benefit the residents of the facility and would not greatly infringe upon adjacent land uses and/or owner, the variance can be supported. The issue of the level of a portion of the parking space is also a minor item and can be supported since the actual parking space is not altered.

The applicant should submit an applicant to the Committee of Adjustment for the necessary approval.

JL:cs/dkp

WP 0157P



City of Hamilton
Plan Showing
Lands Subject to
Site Plan Control
Application DA-89-20

**Regional Municipality of Hamilton-Wentworth
Planning and Development Department**

Legend



Site of the Application



North

Scale
1:5000

Date
February 13, 1989

Reference File No.
DA-88-20

Drawn By
F.V.

E. A. SIMPSON
CITY CLERKK. E. AVERY
DEPUTY CITY CLERKCITY HALL
HAMILTON, ONTARIO
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OFFICE OF THE CITY CLERK

1989 April 27

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MAY 31 1989

GOVERNMENT DOCUMENTS

Mr. E. W. Kowalski, Director of Community Development
 Mr. S. Ghanem, Director of Economic Development
 Mr. G. S. Spencer, Engineering Commissioner
Attention: Mr. K. Brenner
 Mr. M. Main, Director of Traffic Services
 Mr. R. Karl, Traffic Department
 Ms. Diana Pasko, Planning Department
 Mr. E.G. Beres, Regional Assessment Commissioner
 Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development Committee meetings held Wednesday, 1989 April 5, and Tuesday, 1989 April 25.

These minutes were approved by the Committee at its meeting held Wednesday, 1989 May 10.

Yours very truly,

for: Mrs. Susan K. Reeder, Secretary
 Planning and Development Committee

SKR:dbm

Attch's.

c.c.'s. -

Manager, C.M.H.C.

Hamilton & District Chamber of Commerce

Attention: Kathy Drewitt

- Mr. V. Mauceri, Manager, Research Dept., H.S.R.

- Mr. Paul E. Shewfelt, Board of Education

- Mr. T. Cupido, Superintendent of Plant,
Hamilton Separate School Board

- Mr. M. D. Crowley, Southam Communications Ltd.

- Mr. D. Miller, Canada Life, London, Ontario

- Mr. P. Hill, Durand Neighbourhood, c/o Ruth Morrison

Wednesday, 1989 April 5
1:30 o'clock p.m.
Room 233, City Hall

A Special Meeting of the Planning and Development Committee was held.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman B. Hinkley
Alderman D. Ross
Alderman D. Christopherson

Regrets: Alderman W. McCulloch - Police Commission Meeting
Alderman H. Merling - Vacation

Also present: Alderman J. Gallagher
Alderman T. Jackson
Alderman G. Copps
Mr. D. Powers, City Solicitors Office
Mr. J. Prypasniak, Weir & Foulds
Mr. D. Vyce, Director of Property
Mr. E. Matthews, City Treasurer
Mrs. Susan K. Reeder, Secretary

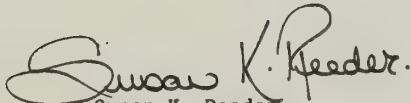
The Committee agreed to move IN-CAMERA to discuss a matter of a Private and Confidential nature with respect to the sale of the Sheraton Hotel.

Following an IN-CAMERA session on this matter the Committee moved into regular session and approved the following:

That an additional special meeting be held on Friday 1989 April 7 at 9:00 o'clock a.m. in Room 233, to continue discussions on the Sheraton Hotel sale as a result of several outstanding documents which were not available at this time, but will be ready for the special meeting on Friday.

There being no further business, the meeting then adjourned.

Taken as read and approved,


Susan K. Reeder
Secretary
1989 April 5


ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Sale -
Sheraton Hotel.

Future meeting
to continue
deliberation.

Adjournment.

Tuesday, 1989 April 25
6:45 o'clock p.m.
Room 233, City Hall

A Special Meeting of the Planning and Development Committee was held.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman W. McCulloch
Alderman D. Christopherson
Alderman D. Ross
Alderman B. Hinkley

Regrets: Alderman M. Kiss - Family Illness
Alderman H. Merling

Also present: Alderman V. Agro
Alderman J. Gallagher
Alderman T. Cooke
Alderman G. Copps
Alderman D. Drury
Mr. L. Sage, Chief Administrative Officer
Mr. D. Vyce, Director of Property
Mr. L. King, Building Department
Mr. R. Karl, Traffic Department
Mr. V. Abraham, Director of Local Planning
Mr. K. Rouff, City Solicitor
Mrs. Susan K. Reeder, Secretary

The Director of Property spoke to the Committee on his report dated 1989 April 25 which was revised and placed before the Committee at its meeting. Mr. Vyce addressed the matter respecting Permission to Allow Robinson Securities Ltd. (Robinson's Department Store) to Assign the Tunnel Easement and Areaway Easement to the Royal Bank of Canada.

Alderman McCulloch requested whether the matter respecting the Penalty Payment charged to Robinson's for not developing the lands behind them is included with the Agreements. The Director of Property indicated that this matter is inclusive in the transfer of all obligations and responsibilities of the 1972 Agreement.

The Committee then APPROVED the following recommendation:

- (a) That The Corporation of the City of Hamilton GRANT PERMISSION to Robinson Securities Limited to assign the tunnel easement as stated in paragraph four (4) of the 1972 June 13 Agreement between the City of Hamilton, Robinson Securities Limited, The G. W. Robinson Company Limited, First Phase Civic Square Limited and Yale Properties Limited to The Royal Bank of Canada, the purchaser of the Robinson's Department Store property, subject to the Purchasers agreeing to assume and obligate itself to the City in respect of all obligations of Robinson's Securities Ltd. and the G. W. Robinson Company Limited in the aforesaid 1972 Agreement.
- (b) That the City of Hamilton GRANT PERMISSION to Robinson Securities Ltd. to assign the areaway easement described in paragraph 3(b) of the 1972 Agreement to The Royal Bank of Canada.
- (c) That the City ENTER INTO Assignment Agreements in the form annexed hereto and marked as APPENDIX "A" and "B".
- (d) That additional copies of the Agreement dated 1974 October 1, entered into by the City with First Phase Civic Square Limited and Yale Properties Ltd. for the purpose of confirming the limits of the MacNab Street Truck Tunnel beneath Jackson Square BE EXECUTED by the Mayor and City Clerk and registered on title to the Truck Tunnel.

Permission to Allow Robinson Securities Ltd. (Robinson's Department Store) to Assign the Tunnel Easement and Areaway Easement to the Royal Bank of Canada.

NOTE: In connection with the development of lands adjacent to the MacNab Street Truck Tunnel by C.I.B.C. and The Royal Bank of Canada it is necessary to register the 1974 October 1 Agreement.

Cash-in-Lieu of
Parking Policy -
1322 King Street East.

The Committee was in receipt of a report from the Building Commissioner dated 1989 March 30 respecting Cash-in-Lieu of Parking Policy for the Property located at 1322 King Street East. This matter had been tabled from the previous meeting of the Committee in order that the Ward Alderman could be present.

Alderman Hinkley, the Ward Alderman spoke on this matter and introduced the Owner, Engineer and Real Estate Agent who were in attendance with respect to this item.

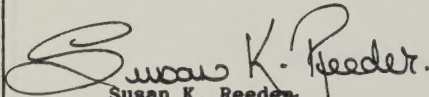
The Committee then APPROVED the following:

- (a) That in accordance with the cash-in-lieu of parking policy, Mr. George Cotroneo, owner of property at 1322 King Street East, BE REQUIRED TO PAY to the City of Hamilton the sum of \$47,500. (which is based on 50% of the cost of providing 19 parking spaces at a total cost of \$95,000.); and
- (b) That the City Solicitor BE DIRECTED to implement the cash-in-lieu of parking policy; and,
- (c) That approval of this matter BE SUBJECT TO the owner providing the Building Department with building plans showing the development in accordance with the Zoning By-Law and the Ontario Building Code and that a plot plan based on a survey BE PROVIDED showing the 6 parking spaces located on the lot.

Adjournment

There being no further business, the meeting then adjourned.

Taken as read and approved,


Susan K. Reeder
Secretary
1989 April 25

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

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